DU
CONTRACT SOCIAL;
OU,
PRINCIPES
DU
DROIT POLITIQUE.

PAR J. J. ROUSSEAU,
CITOYEN DE GENEVE.

— fœderis æquas
Dicamus leges. Æneid. XI.

A AMSTERDAM,
Chez MARC MICHEL REY.
MDCCLXII.

[*OC* III, *347*]

Of
the Social Contract

or

Principles
of Political Right

by

Jean Jacques Rousseau
Citizen of Geneva

– foederis aequas
Dicamus leges

Aeneid, xi

Notice

This small treatise is extracted from a larger work, undertaken many years ago without having consulted my strength and long since abandoned. Of the various sections that could be drawn from what did get done, this is the most considerable and the one that has seemed to me the least unworthy of being submitted to the public. The rest no longer exists.

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Book I

[1] I want to inquire whether in the civil order there can be a legitimate and dependable rule of administration, taking men as they are and the laws as they can be: In this inquiry I will try always to combine what right permits with what interest prescribes, so that justice and utility are not ever disjoined.

[2] I begin without proving the importance of my subject. I will be asked whether I am a prince or a legislator that I write about Politics? I reply that I am not, and that that is why I write about Politics. If I were a prince or a legislator I would not waste my time saying what needs doing; I would do it, or remain silent.

[3] Born a citizen of a free State, and a member of the sovereign, the right to vote in it is enough to impose on me the duty to learn about public affairs, regardless of how weak might be the influence of my voice on them. Happy, whenever I meditate about Governments, always to find in my inquiries new reasons for loving that of my country!

Chapter I
Subject of this First Book

[1] Man is born free, and everywhere he is in chains. One believes himself the others' master, and yet is more a slave than they. How did this change come about? I do not know. What can make it legitimate? I believe I can solve this question.

[2] If I considered only force and its effects, [352] I would say; as long as a People is compelled to obey and does obey, it does well; as soon as it can shake off the yoke and does shake it off, it does even better; for in recovering its freedom by the same right as the right by which it was robbed of it, either the people is justified to take it back, or there was no justification for depriving it of it. But the social order is a sacred right that serves as the basis for all the others. Yet this right does not come from nature; it is therefore founded on conventions. The problem is to know what these conventions are. Before coming to this, I must establish what I have just set forth.

Chapter II
Of the First Societies

[1] The most ancient of all societies and the only natural one is that of the family. Still, the children remain bound to the father only as long as they need him for their preservation. As soon as this need ceases, the natural bond dissolves. The children, exempt from the obedience they owed the father, the father, exempt from the cares he owed the children, all equally return to independence. If they remain united, they are no longer so naturally but voluntarily, and even the family stays together only by convention.

[2] This common freedom is a consequence of man's nature. Its first law is to attend to his own preservation, his first cares are those he owes himself, and since, as soon as he has reached the age of reason he is sole judge of the means proper to preserve himself, he becomes his own master.

[3] The family is, then, if you will, the first model of political societies; the chief is the image of the father, the people is the image of the children, and all, being born equal and free, alienate their freedom only for the sake of their utility. The only difference is that in the family the father's love for his children requites him for the cares he bestows on them, whereas in the State the pleasure of commanding takes the place of this love which the chief does not have for his peoples.

[4] Grotius denies that all human power is established for [*353*] the sake of the governed: he cites slavery as an example. His most consistent mode of reasoning is always to establish right by fact.* One could use a more consistent method, but not one more favorable to Tyrants.

[5] So that, according to Grotius, it is an open question whether humankind belongs to a hundred men, or whether those hundred belong to humankind, and throughout his book he appears to incline to the first opinion: this is also Hobbes's sentiment.

* "Learned investigations of public right are often nothing but the history of ancient abuses, and taking the trouble to study them too closely was a misplaced stubbornness." *Ms Treatise on the Interests of France in Relation to Her Neighbors; by M. L[e] M[arquis] d'A[rgenson]*. This is precisely what Grotius did.

Here, then, is humankind, divided into herds of cattle, each with its chief who tends it in order to devour it.

[6] As a shepherd is of a nature superior to that of his herd, so too are the shepherds of men, who are their chiefs, of a nature superior to that of their peoples. This is how, according to Philo, the Emperor Caligula reasoned; quite correctly concluding from this analogy that kings were Gods, or that peoples were beasts.

[7] This Caligula's reasoning amounts to that of Hobbes and of Grotius. Aristotle before all of them had also said that men are not naturally equal, but that some are born for slavery and others for domination.

[8] Aristotle was right, but he mistook the effect for the cause. Any man born in slavery is born for slavery, nothing is more certain. Slaves lose everything in their chains, even the desire to be rid of them; they love their servitude, as the companions of Ulysses loved their brutishness.* Hence, if there are slaves by nature, it is because there were slaves contrary to nature. Force made the first slaves, their cowardice perpetuated them.

[9] I have said nothing about King Adam, or about emperor Noah, father of three great Monarchs who divided the uni[*354*]verse among themselves, as did the children of Saturn, whom some believed they recognized in them. I hope my moderation will be appreciated; for since I am a direct descendant from one of these Princes, and perhaps from the elder branch, for all I know, I might, upon verification of titles, find that I am the legitimate King of humankind? Be that as it may, it cannot be denied that Adam was Sovereign of the world as Robinson was of his island as long as he was its sole inhabitant; and what made this empire comfortable was that the monarch, secure on his throne, had neither rebellions, nor wars, nor conspirators to fear.

Chapter III
Of the Right of the Stronger

[1] The stronger is never strong enough to be forever master unless he transforms his force into right and obedience into

* See a small treatise by Plutarch entitled: *That Beasts Use Reason*.

duty. Hence the right of the stronger; a right apparently understood ironically, and in reality an established principle: But will no one ever explain this word to us? Force is a physical power; I do not see what morality can result from its effects. To yield to force is an act of necessity, not of will; at most it is an act of prudence. In what sense can it be a duty?

[2] Let us assume this alleged right for a moment. I say that it can only result in inexplicable nonsense. For once force makes right, the effect changes together with the cause; every force that overcomes the first, inherits its right. Once one can disobey with impunity, one can do so legitimately, and since the stronger is always right, one need only make sure to be the stronger. But what is a right that perishes when force ceases? If one has to obey by force, one need not obey by duty, and if one is no longer forced to obey, one is no longer obliged to do so. Clearly, then, this word "right" adds nothing to "force"; it means nothing at all here.

[3] Obey the powers that be. If this means, yield to force, the precept is good, but superfluous, I warrant that it [*355*] will never be violated. All power comes from God, I admit it; but so does all illness. Does this mean it is forbidden to call the doctor? A brigand takes me by surprise at the edge of a woods: am I not only forced to hand over my purse, but also obliged in conscience to hand it over even if I could withhold it? For, after all, the pistol he holds is also a power.

[4] Let us agree, then, that force does not make right, and that one is obliged to obey only legitimate powers. Which brings me back to my original question.

Chapter IV
Of Slavery

[1] Since no man has a natural authority over his fellow-man [*semblable*], and since force does not make right, conventions remain as the basis of all legitimate authority among men.

[2] If, says Grotius, an individual can alienate his freedom and enslave himself to a master, why could not a whole people alienate its freedom and subject itself to a king? There are quite a few ambiguous words here that call for explanation, but let us restrict

ourselves to the word *alienate*. To alienate is to give or to sell. Now, a man who enslaves himself to another does not give himself, he sells himself, at the very least for his subsistence: but a people, what does it sell itself for? A king, far from providing his subjects' subsistence, derives all of his own from them, and according to Rabelais a king does not live modestly. Do the subjects then give their persons on condition that their goods will be taken as well? I do not see what they have left to preserve.

[3] The despot, it will be said, secures civil tranquillity for his subjects. All right; but what does it profit them if the wars his ambition brings on them, if his insatiable greed, the harassment by his administration cause them more distress than their own dissensions would have done? What does it profit them if this very tranquility is one of their woes? Life in dungeons is also tranquil; is that enough to feel well in them? The Greeks imprisoned in the Cyclops' cave lived there [*356*] tranquil awaiting their turn to be devoured.

[4] To say a man gives himself gratuitously is to say something absurd and inconceivable; such an act is illegitimate and null, for the simple reason that whoever does so is not in his right mind. To say the same of a whole people is to assume a people of madmen: madness does not make right.

[5] Even if everyone could alienate himself, he could not alienate his children; they are born men and free; their freedom belongs to them, no one but they themselves has the right to dispose of it. Before they have reached the age of reason, their father may in their name stipulate conditions for their preservation, for their well-being; but he cannot give them away irrevocably and unconditionally; for such a gift is contrary to the ends of nature and exceeds the rights of paternity. Hence, for an arbitrary government to be legitimate, the people would, in each generation, have to be master of accepting or rejecting it; but then the government would no longer be arbitrary.

[6] To renounce one's freedom is to renounce one's quality as a man, the rights of humanity, even its duties. There can be no possible compensation for someone who renounces everything. Such a renunciation is incompatible with the nature of man, and to deprive one's will of all freedom is to deprive one's actions of all morality. Finally, a convention that stipulates absolute authority on one side, and unlimited obedience on the other, is vain and

contradictory. Is it not clear that one is under no obligation toward a person from whom one has the right to demand everything, and does not this condition alone, without equivalent and without trade-off, nullify the act? For what right can my slave have against me, since everything he has belongs to me, and his right being mine, this right of mine against myself is an expression devoid of all meaning?

[7] Grotius and the others derive another origin of the alleged right of slavery from war. Since, according to them, the victor has the right to kill the vanquished, the latter can buy back his life at the cost of his freedom; a convention they regard as all the more legitimate because it proves profitable to both parties.

[8] But it is clear that this alleged right to kill the vanquished in no way results from the state of war. Men are not naturally enemies, if only because when they live in their primitive [*357*] independence their relationship with one another is not sufficiently stable to constitute a state of peace or of war. It is the relationship between things and not between men that constitutes war, and since the state of war cannot arise from simple personal relationships but only from property relationships, private war or war between one man and another can exist neither in the state of nature, where there is no stable property, nor in the social state, where everything is under the authority of the laws.

[9] Individual fights, duels, skirmishes, are acts that do not constitute a state; and as for the private wars authorized by the ordinances of King Louis IX of France and suspended by the peace of God, they are abuses of feudal government, an absurd system if ever there was one, contrary both to the principles of natural right and to all good polity.

[10] War is then not a relationship between one man and another but a relationship between one State and another, in which individuals are enemies only by accident, not as men, nor even as citizens,* but as soldiers; not as members of the fatherland, but as its defenders. Finally, a State can have as enemies only other

* The Romans who understood and respected the right of war better than any nation in the world were so scrupulous in this regard that a citizen was not allowed to serve as a volunteer without having enlisted specifically against this enemy, one designated as such by name. When a Legion in which the Younger Cato fought his first campaign under Popilius was reorganized, the Elder Cato wrote to Popilius that if he was willing to have his son continue to serve under

States, not men, since no true relation can obtain between things of different natures.

[11] This principle even conforms to the established maxims of all ages and to the constant practice of all civilized peoples. Declarations of war are not so much warnings to the powers as to their subjects. The foreigner, be he a king, a private individual or a people, who robs, kills, or detains subjects without declaring war on their prince is not an enemy, he is a brigand. Even in the midst of war, a just prince may well seize everything in enemy territory that belongs to the public, but he respects the person and the goods of private individuals; he respects rights on which his own are founded. Since the aim of war is the destruction of the enemy State, one has the right to kill its defenders as long as they bear arms; but as soon as they lay down their arms and surrender, by ceasing to be enemies or the enemy's instruments they again become simply men, and one no longer has a right over their life. It is sometimes possible to kill the State without killing a single one of its members: and [*358*] war confers no right that is not necessary to its end. These principles are not those of Grotius; they are not founded on the authority of poets, but follow from the nature of things, and are founded on reason.

[12] As regards the right of conquest, it has no other foundation than the law of the stronger. Since war does not give the victor the right to massacre the vanquished peoples, this right which he does not have cannot be the foundation of the right to enslave them. One has the right to kill the enemy only when one cannot make him a slave. Hence the right to make him a slave does not derive from the right to kill him: it is therefore an iniquitous exchange to make him buy his life, over which one has no right whatsoever, at the cost of his freedom. Is it not clear that by establishing the right of life and death by the right of slavery, and the right of slavery by the right of life and death, one falls into a vicious circle?

him, he would have to have him take a new military oath because, the first oath having been vacated, he could no longer bear arms against the enemy. And the same Cato wrote to his son to be careful not to appear in battle without having taken this new oath. I know that the siege of Clusium and other individual facts can be urged against me, but I cite laws, practices. The Romans are the people who least frequently transgressed their laws, and they are the only ones to have had such fine ones. [1782 ed.]

[13] Even assuming this terrible right to kill all, I say that a slave made in war or a conquered people is not bound to anything at all toward their master except to obey him as far as they are forced to do so. In taking an equivalent of his life, the victor did not spare it: instead of killing him unprofitably, he killed him usefully. So far, then, is he from having acquired over him any authority associated with his force, that the state of war subsists between them as before; their relationship itself is its effect, and the customs of the right of war presuppose the absence of a peace treaty. They have made a convention; very well: but that convention, far from destroying the state of war, presupposes its continuation.

[14] Thus, from whatever angle one looks at things, the right to slavery is null, not only because it is illegitimate, but because it is absurd and meaningless. The words *slavery* and *right* are contradictory; they are mutually exclusive. Between one man and another or between a man and a people, the following speech will always be equally absurd: *I make a convention with you that is entirely at your expense and entirely to my benefit, that I will observe as long as I please and that you will observe as long as I please.*

[*359*]

Chapter V
That One Always has to Go Back to a First Convention

[1] Even if I were to grant everything I have thus far refuted, the abettors of despotism would be no better off. There will always be a great difference between subjugating a multitude and ruling a society. If scattered men, regardless of their number, are successively enslaved to a single man, I see in this nothing but a master and slaves, I do not see in it a people and its chief; it is, if you will, an aggregation, but not an association; there is here neither public good, nor body politic. That man, even if he had enslaved half the world, still remains nothing but a private individual; his interest, separate from that of the others, still remains nothing but a private interest. When this same man dies, his empire is left behind scattered and without a bond, like an oak dissolves and collapses into a heap of ashes on being consumed by fire.

[2] A people, says Grotius, can give itself to a king. So that according to Grotius a people is a people before giving itself to a king. That very gift is a civil act, it presupposes a public deliberation. Hence before examining the act by which a people elects a king, it would be well to examine the act by which a people is a people. For this act, since it is necessarily prior to the other, is the true foundation of society.

[3] Indeed, if there were no prior convention, then, unless the election were unanimous, why would the minority be obliged to submit to the choice of the majority, and why would a hundred who want a master have the right to vote on behalf of ten who do not want one? The law of majority rule is itself established by convention and presupposes unanimity at least once.

[*360*]

Chapter VI
Of the Social Pact

[1] I assume men having reached the point where the obstacles that interfere with their preservation in the state of nature prevail by their resistance over the forces which each individual can muster to maintain himself in that state. Then that primitive state can no longer subsist, and humankind would perish if it did not change its way of being.

[2] Now, since men cannot engender new forces but only unite and direct those that exist, they are left no other means of preserving themselves than to form by aggregation a sum of forces that might prevail against those obstacles' resistance, to set them in motion by a common impulsion, and make them act in concert.

[3] This sum of forces can only arise from the cooperation of many: but since each man's force and freedom are the primary instruments of his self-preservation, how can he commit them without harming himself, and without neglecting the cares he owes himself? This difficulty, as it bears on my subject, can be stated in the following terms.

[4] "To find a form of association that will defend and protect the person and the goods of each associate with the full common force, and by means of which each, uniting with all, nevertheless obey

only himself and remain as free as before." This is the fundamental problem to which the social contract provides the solution.

[5] The clauses of this contract are so completely determined by the nature of the act, that the slightest modification would render them null and void; so that although they may never have been formally spelled out, they are everywhere the same, everywhere tacitly acknowledged and recognized; until, the social compact having been violated, everyone is restored to his original rights and resumes his natural freedom while losing the conventional freedom for which he renounced it.

[6] These clauses, rightly understood, all come down to just one, namely the total alienation of each associate with all of his rights to the whole community: For, in the first place, since each gives himself entirely, the condition is [*361*] equal for all, and since the condition is equal for all, no one has an interest in making it burdensome to the rest.

[7] Moreover, since the alienation is made without reservation, the union is as perfect as it can be, and no associate has anything further to claim: For if individuals were left some rights, then, since there would be no common superior who might adjudicate between them and the public, each being judge in his own case on some issue would soon claim to be so on all issues, the state of nature would persist and the association necessarily become tyrannical or vain.

[8] Finally, each, by giving himself to all, gives himself to no one, and since there is no associate over whom one does not acquire the same right that one grants him over oneself, one gains the equivalent of all one loses and more force to preserve what one has.

[9] If, then, everything that is not of the essence of the social compact is set aside, one will find that it can be reduced to the following terms: *Each of us puts his person and his full power in common under the supreme direction of the general will; and as a body we receive each member as an indivisible part of the whole.*

[10] At once, in place of the private person of each contracting party, this act of association produces a moral and collective body made up of as many members as the assembly has voices, and which receives by this same act its unity, its common *self*, its life and its will. The public person thus formed by the union of all the

others, formerly assumed the name *City*[*] and now assumes [*362*] that of *Republic* or of *body politic*, which its members call *State* when it is passive, *Sovereign* when active, *Power* when comparing it to similar bodies. As for the associates, they collectively assume the name *people* and severally call themselves *Citizens* as participants in the sovereign authority, and *Subjects* as subject to the laws of the State. But these terms are often confused and mistaken for one another; it is enough to be able to distinguish them when they are used in their precise sense.

Chapter VII
Of the Sovereign

[1] This formulation shows that the act of association involves a reciprocal engagement between the public and private individuals, and that each individual, by contracting, so to speak, with himself, finds himself engaged in a double relation: namely, as a member of the Sovereign toward private individuals, and as a member of the State toward the Sovereign. But the maxim of civil right, that no one is bound by engagements toward himself, does not apply here; for there is a great difference between assuming an obligation toward oneself and toward a whole of which one is a part.

[2] It should also be noted that the public deliberation that can obligate all the subjects toward the Sovereign because of the two

[*] The true meaning of this word is almost entirely lost among the moderns; most take a city for a City, and a bourgeois for a Citizen. They do not know that houses make the city but Citizens make the City. This same error once cost the Carthaginians dear. I have not read that the subjects of any Prince were ever given the title *Cives*, not even the Macedonians in ancient times nor, in our days, the English, although they are closer to freedom than all the others. Only the French assume the name *Citizen* casually, because they have no genuine idea of what it means, as can be seen in their Dictionaries; otherwise they would be committing the crime of high treason in usurping it: for them this name expresses a virtue and not a right. When Bodin wanted to speak of our Citizens and Bourgeois, he committed a bad blunder in taking the one for the other. M. d'Alembert made no such mistake about it, and in his article *Geneva* he correctly distinguished the [*362*] four orders of men in our city (even five, if simple foreigners are included), only two of which make up the Republic. No other French author has, to my knowledge, understood the true meaning of the word *Citizen*.

different relations in terms of which each subject is viewed, cannot, for the opposite reason, obligate the Sovereign toward itself, and that it is therefore contrary to the nature of the body politic for the Sovereign to impose on itself a law it cannot break. Since the Sovereign can consider itself only in terms of one and the same relation, it is then in the same situation as a private individual contracting with himself: which shows that there is not, nor can there be, any kind of fundamental law that is obligatory for the body of the people, not even the social contract. This does not mean [*363*] that this body cannot perfectly well enter into engagements with others about anything that does not detract from this contract; for with regard to foreigners, it becomes a simple being, an individual.

[3] But since the body politic or Sovereign owes its being solely to the sanctity of the contract, it can never obligate itself even toward another body politic or Sovereign, to anything that detracts from that original act, such as alienating any part of itself or subjecting itself to another Sovereign. To violate the act by which it exists would be to annihilate itself, and what is nothing produces nothing.

[4] As soon as this multitude is thus united in one body, none of its members can be injured without attacking the body, and still less can the body be injured without the members being affected. Thus duty and interest alike obligate the two contracting parties to help one another, and the men involved must strive to combine in this double relation all the advantages attendant on it.

[5] Now since the Sovereign is formed entirely of the private individuals who make it up, it does not and cannot have any interests contrary to theirs; consequently the Sovereign power has no need of a guarantor toward the subjects, because it is impossible for the body to want to harm all of its members, and we will see below that it cannot harm any one of them in particular. The Sovereign, by the mere fact that it is, is always all that it has to be.

[6] But this is not the case regarding the subjects' relations to the Sovereign, and notwithstanding the common interest, the Sovereign would have no guarantee of the subjects' engagements if it did not find means to ensure their fidelity.

[7] Indeed each individual may, as a man, have a particular will contrary to or different from the general will he has as a Citizen. His particular interest may speak to him quite differently from the common interest; his absolute and naturally independent existence

may lead him to look upon what he owes to the common cause as a gratuitous contribution, the loss of which will harm others less than its payment burdens him and, by considering the moral person that constitutes the State as a being of reason because it is not a man, he would enjoy the rights of a citizen without being willing to fulfill the duties of a subject; an injustice, the progress of which would cause the ruin of the body politic.

[*364*] [8] Hence for the social compact not to be an empty formula, it tacitly includes the following engagement which alone can give force to the rest, that whoever refuses to obey the general will be constrained to do so by the entire body: which means nothing other than that he will be forced to be free; for this is the condition that, by giving each Citizen to the Fatherland, guarantees him against all personal dependence; the artifice that makes for the ingenuity and the working of the political machine, and alone renders legitimate civil engagements which would otherwise be absurd, tyrannical, and liable to the most enormous abuses.

Chapter VIII
Of the Civil State

[1] This transition from the state of nature to the civil state produces a most remarkable change in man by substituting justice for instinct in his conduct, and endowing his actions with the morality they previously lacked. Only then, when the voice of duty succeeds physical impulsion and right succeeds appetite, does man, who until then had looked only to himself, see himself forced to act on other principles, and to consult his reason before listening to his inclinations. Although in this state he deprives himself of several advantages he has from nature, he gains such great advantages in return, his faculties are exercised and developed, his ideas enlarged, his sentiments ennobled, his entire soul is elevated to such an extent, that if the abuses of this new condition did not often degrade him to beneath the condition he has left, he should ceaselessly bless the happy moment that wrested him from it forever, and from a stupid and limited animal made an intelligent being and a man.

[2] Let us reduce all these pros and cons to terms easy to compare. What man loses by the social contract is his natural

freedom and an unlimited right to everything that tempts him and he can reach; what he gains is civil freedom and property in everything he possesses. In order not to be mistaken about these compensations, [*365*] a clear distinction has to be drawn between natural freedom that has no other bounds than the individual's force and civil freedom that is limited by the general will, and between possession that is merely the effect of force or the right of the first occupant and property that can only be founded on a positive title.

[3] To the preceding acquirements of the civil state could be added moral freedom which alone makes man truly the master of himself; for the impulsion of mere appetite is slavery, and obedience to the law one has prescribed to oneself is freedom. But I have already said too much on this topic, and the philosophical meaning of the word *freedom* is not my subject here.

Chapter IX
Of Real Property

[1] Each member of the community gives himself to it the moment it gets formed, such as he then is, himself with all his forces, of which the goods he possesses are a part. Not that by this act possession changes in nature by changing hands and becomes property in the hands of the Sovereign: But just as the City's forces are incomparably greater than a private individual's, so, at least in relation to foreigners, does public possession in fact have greater force and is more irrevocable without being any more legitimate. For with regard to its members, the State is master of all their goods by the social contract, which serves as the basis of all rights within the State; but with regard to other Powers it is master of all of its members' goods only by the right of the first occupant, which it derives from private individuals.

[2] The right of the first occupant, although more real than the right of the stronger, becomes a true right only after the right of property has been established. Every man naturally has the right to everything he needs; but the positive act that makes him the proprietor of a given good excludes him from all the rest. Once he has received his share, he has to limit himself to it, and he has no

further right to the community of goods. That is why the right of the first occupant, so weak in the state of nature, is respected by everyone in civil society. [*366*] In this right one respects not so much what is another's as what is not one's own.

[3] In general, the following conditions must obtain in order to authorize the right of the first occupant to any piece of land. First, that this land be not yet inhabited by anyone; second, that one occupy only as much of it as one needs in order to subsist; In the third place, that one take possession of it not by a vain ceremony but by labor and cultivation, the only sign of property that others ought to respect in the absence of legal titles.

[4] Indeed, does not granting the right of the first occupant to need and to labor extend it as far as it can go? Can this right not be limited? Will setting foot on a piece of common land be all it takes forthwith to claim to be its master? Will having the force to drive other men off it for a moment be all it takes to deprive them of the right ever to return? How can a man or a people seize an immense territory and deprive all mankind of it except by a punishable usurpation, since it deprives the rest of mankind of a place to live and of foods nature gives to them in common? When Nuñez Balboa, standing on the shore, took possession of the South Sea and of all of South America in the name of the crown of Castile, was this enough to dispossess all of its inhabitants and to exclude all the Princes of the world? If it had been, then such ceremonies were repeated quite unnecessarily, and all the catholic King had to do was to take possession of the entire universe all at once from his council-chamber; except for afterwards subtracting from his empire what the other Princes already possessed.

[5] One can see how the combined and contiguous land holdings of private individuals become the public territory, and how the right of sovereignty, extending from subjects to the land they occupy, becomes at once real and personal; which places the possessors in a position of greater dependence on one another, and turns their very forces into the guarantors of their fidelity. This advantage seems not to have been fully appreciated by ancient monarchs who, only calling themselves Kings of the Persians, the Scythians, the Macedonians, seem to have looked upon themselves as chiefs of men rather than as masters of the country. Present day monarchs [*367*] more shrewdly call

themselves Kings of France, of Spain, of England, etc. By thus owning the land, they are quite certain to own its inhabitants.

[6] What is remarkable about this alienation is that by accepting the goods of private individuals, the community, far from despoiling them of their goods, merely secures their possession of them by transforming usurpation into a genuine right and use into property. Then the possessors, being considered to be trustees of the public good, with their rights respected by all the members of the State and secured by all of its forces against any foreign power, have, by an assignment advantageous to the public and even more so to themselves, so to speak acquired everything they gave. The paradox is easily explained by the distinction between the rights the Sovereign and the proprietor have to the same resources, as will be seen below.

[7] It may also happen that men begin to unite before they possess anything and that, seizing a piece of land sufficient for all, they enjoy its use in common or divide it among themselves, either equally or according to proportions established by the Sovereign. Regardless of how they acquire it, the right every individual has to his own portion is always subordinate to the community's right over everyone, for want of which the social bond would be without solidity and the exercise of Sovereignty without real force.

[8] I will end this chapter and this book with a comment that should serve as the basis of the entire social system; it is that rather than destroying natural equality, the fundamental pact on the contrary substitutes a moral and legitimate equality for whatever physical inequality nature may have placed between men, and that while they may be unequal in force or in genius, they all become equal by convention and by right.[*]

[*] Under bad governments this equality is only apparent and illusory; it serves only to keep the poor in his misery and the rich in his usurpation. In fact the laws are always useful to those who possess something and harmful to those who have nothing: It follows that the social state is advantageous to men only insofar as all have something and none of them has too much.

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Book II

Chapter I
That Sovereignty is Inalienable

[1] The first and the most important consequence of the principles established above is that only the general will can direct the forces of the State according to the end of its institution, which is the common good: for while the opposition of particular interests made the establishment of societies necessary, it is the agreement of these same interests that made it possible. What these different interests have in common is what forms the social bond, and if there were not some point on which all interests agree, no society could exist. Now, it is solely in terms of this common interest that society should be governed.

[2] I say, then, that sovereignty, since it is nothing but the exercise of the general will, can never be alienated, and that the sovereign, which is nothing but a collective being, can be represented only by itself; power may well be transferred, but not will.

[3] Indeed, while it is not impossible that a particular will agree with the general will on some point, it is in any event impossible for this agreement to be lasting and steady; for the particular will tends by its nature to partiality and the general will to equality. It is even more impossible to have a guarantor of this agreement, even if he were to exist forever; it would be due not to art but to chance. The Sovereign may well say, I currently will what a given man wills or at least what he says he wills; but it cannot say: what this man is going to will tomorrow, I too shall will it; since it is absurd for the will to [*369*] enchain itself for the future, and since no will can consent to anything contrary to the good of the being that wills. If, then, the people promises simply to obey, it dissolves itself by this act, it loses its quality of being a people; as soon as there is a master, there no longer is a Sovereign, and from then on the body politic is destroyed.

[4] This is not to say that the commands of the chiefs may not be taken for general wills, as long as the Sovereign is free to oppose them and does not do so. In such a case the people's consent has to

be presumed from universal silence. This will be explained more fully.

Chapter II
That Sovereignty is Indivisible

[1] For the same reason that sovereignty is inalienable, it is indivisible. For either the will is general* or it is not; it is either the will of the body of the people, or that of only a part. In the first case, the declaration of this will is an act of sovereignty and constitutes law; in the second case it is merely a particular will, or an act of magistracy; at most it is a decree.

[2] But our politicians [*politiques*], unable to divide the principle of sovereignty, divide it in its object; they divide it into force and will, into legislative and executive power, into rights of taxation, justice and war, into domestic administration and the power to conduct foreign affairs: sometimes they mix up all these parts, and sometimes they separate them; they turn the Sovereign into a fantastical being made up of disparate pieces; it is as if they were putting together man out of several bodies, one of which had eyes, another arms, another feet, and nothing else. Japanese conjurers are said to cut up a child before the spectators' eyes, then, throwing all of its limbs into the air one after the other, they make [*370*] the child fall back down alive and all reassembled. That is more or less what our politicians' shell-games are like; after having dismembered the social body by a sleight-of-hand worthy of the fairground, they put the pieces back together no one knows how.

[3] This error is due to not having framed precise notions of the sovereign authority, and to having mistaken for parts of this authority what were only emanations of it. Thus, for example, the act of declaring war and that of making peace have been viewed as acts of sovereignty, which they are not; for each one of these acts is not a law but only an application of the law, a particular act which decides a case, as will become evident once the idea attaching to the word *law* has been determined.

* For a will to be general, it is not always necessary that it be unanimous, but it is necessary that all votes be counted; any formal exclusion destroys generality.

[4] By examining the other divisions in the same way, one would discover that whenever one believes one sees sovereignty divided, one is mistaken, that the rights one takes for parts of this sovereignty are all subordinate to it, and always presuppose supreme wills which these rights simply implement.

[5] It would be hard to exaggerate how much this lack of precision has obscured the conclusions of writers on matters of political right when they sought to adjudicate the respective rights of kings and of peoples by the principles they had established. Anyone can see in chapters three and four of the first book of Grotius how that learned man and his translator Barbeyrac get tangled up, trapped in their sophisms, fearful of saying too much or not saying enough in stating their views and of offending the interests they had to reconcile. Grotius, a refugee in France, discontented with his fatherland and wanting to pay court to Louis XIII to whom his book is dedicated, spares nothing to deprive peoples of all their rights and to invest kings with them as artfully as possible. This would certainly also have been to the taste of Barbeyrac, who dedicated his translation to King George I of England. But unfortunately the expulsion of James II, which he calls an abdication, forced him to be on his guard, to equivocate, to be evasive, in order not to make an usurper of William. If these two writers had adopted the true principles, all their difficulties would have been resolved and they would always have been consistent; but they would have told the sad truth and [*371*] paid court only to the people. And truth does not lead to fortune, and the people does not confer ambassadorships or professorships or pensions.

Chapter III
Whether the General will Can Err

[1] From the preceding it follows that the general will is always upright and always tends to the public utility: but it does not follow that the people's deliberations are always equally upright. One always wants one's good, but one does not always see it: one never corrupts the people, but one often deceives it, and only then does it appear to want what is bad.

[2] There is often a considerable difference between the will of all and the general will: the latter looks only to the common interest, the former looks to private interest and is nothing but a sum of particular wills; but if, from these same wills, one takes away the pluses and the minuses, which cancel each other out,* what is left as the sum of the differences is the general will.

[3] If, when an adequately informed people deliberates, the Citizens had no communication among themselves, the general will would always result from the large number of small differences, and the deliberation would always be good. But when factions, partial associations at the expense of the large one, arise, then the will of each one of these associations becomes general in relation to its members and particular in relation to the State; there can then no longer be said to be as many voters as [*372*] there are men, but only as many as there are associations. The differences become less numerous and yield a less general result. Finally, when one of these associations is so large that it prevails over all the rest, the result you have is no longer a sum of small differences but one single difference; then there is no longer a general will, and the opinion that prevails is nothing but a private opinion.

[4] In order to have the general will expressed well, it is therefore important that there be no partial society in the State, and that every Citizen declare only his own opinion.** Such was the unique and sublime institution of the great Lycurgus. That if there are partial societies, their number must be multiplied, and inequality among them prevented, as did Solon, Numa, Servius. These are the only precautions that will ensure that the general will is always enlightened, and that the people is not deceived.

* *Each interest*, says the M[arquis] d'A[rgenson], *has different principles. The agreement between two individual interests is formed by opposition to that of a third*. He might have added that the agreement between all interests is formed by opposition to each one's interest. If there were no different interests, the common interest would scarcely be felt since it would never encounter obstacles: everything would run by itself, and politics would cease to be an art.

** "In truth, says Machiavelli, some divisions benefit Republics, and some harm them; harmful are those that are accompanied by factions and parties; beneficial are those that do not give rise to factions and parties. Therefore, since the founder of a Republic cannot prevent enmities, he must make the best provision possible against factions." *Hist[ory] of Floren[ce]*, Bk. VII.

Chapter IV
Of the Limits of the Sovereign Power

[1] If the State or the City is only a moral person whose life consists in the union of its members, and if the most important of its cares is the care for its self-preservation, it has to have some universal and coercive force to move and arrange each part in the manner most conformable to the whole. Just as nature gives each man absolute power over his members, the social pact gives the body politic absolute power over all of its members, and it is this same power which, directed by the general will, bears, as I have said, the name of sovereignty.

[*373*] [2] But in addition to the public person, we have to consider the private persons who make it up and whose life and freedom are naturally independent of it. It is therefore important to distinguish clearly between the respective rights of the Citizens and of the Sovereign,* as well as between the duties the former have to fulfill as subjects, and the natural right they must enjoy in their capacity as men.

[3] It is agreed that all anyone alienates by the social pact is the portion of his power, his goods, his freedom, the use of which matters to the community, but it also has to be agreed that the Sovereign alone is judge of what matters.

[4] All the services a Citizen can render to the State, he owes to it as soon as the Sovereign requires them; but the Sovereign, for its part, cannot burden the subjects with any chains useless to the community; it cannot even will to do so: for by the law of reason nothing is done without cause, any more than by the law of nature.

[5] The commitments that bind us to the social body are obligatory only because they are mutual, and their nature is such that in fulfilling them one cannot work for others without also working for oneself. Why is the general will always upright, and why do all consistently will everyone's happiness, if not because there is no one who does not appropriate the word *each* to himself, and think of himself as he votes for all. Which proves that the equality by right and the notion of justice it produces follows from

* Attentive readers, please do not rush to accuse me of contradiction. I have not been able to avoid it verbally in view of the poverty of the language; but wait.

everyone's preference for himself and hence from the nature of man; that the general will, to be truly such, must be so in its object as well as in its essence, that it must issue from all in order to apply to all, and that it loses its natural rectitude when it is directed toward some individual and determinate object; for then, in judging what is foreign to us, we have no true principle of equity to guide us.

[6] Indeed, as soon as what is at issue is a particular fact or right regarding a point not regulated by a general and prior convention, the affair grows contentious. [*374*] In such a suit, where interested private individuals are one of the parties, and the public the other, I do not see what law should be followed or what judge should decide. It would be ridiculous, under these circumstances, to try to invoke an express decision of the general will, which can only be the decision of one of the parties, and is, therefore, as far as the other party is concerned, nothing but a foreign, particular will which on this occasion is inclined to injustice and subject to error. Thus, just as a particular will cannot represent the general will, so the general will changes in nature when it has a particular object, and it cannot, being general, pronounce judgment on a particular man or fact. For example, when the people of Athens appointed or cashiered its chiefs, bestowed honors on one, imposed penalties on another, and by a multitude of particular decrees indiscriminately performed all the acts of government, the people no longer had a general will properly so called; it no longer acted as a Sovereign but as a magistrate. This will appear contrary to commonly held ideas, but I must be allowed the time to state mine.

[7] In view of this, it should be understood that what generalizes the will is not so much the number of voices as the general interest that unites them: for in this institution everyone necessarily submits to the conditions he imposes on the others; an admirable agreement of interest and justice which confers on common deliberations an equitable character that tends to vanish in discussions of particular affairs, for want of a common interest that unites and identifies the rule of the judge with that of the party.

[8] Regardless of where one sets out from to work one's way back to the principle, one always reaches the same conclusion: to wit that by the equality established among the Citizens by the social pact, all commit themselves under the same conditions and

should all enjoy the same rights. Thus by the nature of the pact every act of sovereignty, that is to say every genuine act of the general will, obligates or favors all Citizens equally, so that the Sovereign recognizes only the body of the nation and does not single out any one of those who make it up. What, then, precisely is an act of sovereignty? It is not a convention of a superior with an inferior, but a convention of the body with every one of its members: [*375*] A convention that is legitimate because it is based on the social contract, equitable because it is common to all, useful because it can have no object other than the common good, and secure because the public force and the supreme power is its guarantor. So long as subjects are subjected only to conventions such as these, they obey no one but only their own will; and to ask how far the respective rights of Sovereign and Citizens extend is to ask how far the Citizens can commit themselves to one another, each to all, and all to each.

[9] From this it is evident that the Sovereign power, absolute, sacred, and inviolable as it is, does not and cannot exceed the limits of the general conventions, and that everyone may fully dispose of such of his goods and freedom as are left him by these conventions: so that it is never right for the Sovereign to burden one subject more than another, because then it turns into a particular affair, and its power is no longer competent.

[10] Once these distinctions are recognized, it is so clearly false that the social contract involves any genuine renunciation on the part of individuals that, as a result of the contract their situation really proves to be preferable to what it had been before it, and that instead of an alienation they have only made an advantageous exchange of an uncertain and precarious way of being for a more secure and better one, of natural independence for freedom, of the power to harm others for their own security, and of their force which others could overwhelm for a right rendered invincible by the social union. Their very life which they have dedicated to the State is constantly protected by it, and when they risk it for its defense what are they doing but returning to it what they have received from it? What are they doing that they would not have done more frequently and at greater peril in the state of nature, when engaged in unavoidable fights, they would be defending the means of preserving their lives by risking them? It is true that all

have to fight for the fatherland when necessary, but then no one ever has to fight for himself. Is it not nevertheless a gain to risk for the sake of what makes for our security just a portion of what we would have to risk for our own sakes as soon as we are deprived of it?

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Chapter V
Of the Right of Life and Death

[1] The question arises how individuals who have no right to dispose of their own life can transfer to the Sovereign the very right they do not have. The question seems difficult to resolve only because it is badly put. Everyone has the right to risk his life in order to preserve it. Has anyone ever said that a person who jumps out of a window to escape a fire is guilty of suicide? Has this crime even ever been imputed to a person who dies in a storm, although he was not unaware of the danger when he set out?

[2] The social treaty has the preservation of the contracting parties as its end. Whoever wills the end, also wills the means, and these means are inseparable from certain risks and even certain losses. Whoever wants to preserve his life at the expense of others, ought also to give it up for them when necessary. Now, the Citizen is no longer judge of the danger the law wills him to risk, and when the Prince has said to him, it is expedient to the State that you die, he ought to die; because it is only on this condition that he has lived in security until then, and his life is no longer just a bounty of nature but a conditional gift of the State.

[3] The death penalty imposed on criminals can be viewed from more or less the same point of view: it is in order not to become the victim of an assassin that one consents to die if one becomes an assassin oneself. By this treaty, far from disposing of one's own life, one only thinks of guaranteeing it, and it should not be assumed that at the time of the treaty any one of the parties to it is planning to get himself hanged.

[4] Besides, every evildoer who attacks social right becomes a rebel and a traitor to the fatherland by his crimes, by violating its laws he ceases to be a member of it, and even goes to war with it. Then the preservation of the State is incompatible with his own,

one of the two has to perish, and when the guilty man is put to death, it is less as a Citizen than as an enemy. The proceedings, the [*377*] judgment are the proofs and declaration that he has broken the social treaty and consequently is no longer a member of the State. Now, since he recognized himself as a member of it, at the very least by residence, he must be cut off from it either by exile as a violator of the treaty, or by death as a public enemy; for such an enemy is not a moral person, he is a man, and then killing the vanquished is by right of war.

[5] But, it will be said, condemning a Criminal is a particular act. Granted; and indeed such a condemnation is not up to the Sovereign; it is a right the Sovereign can confer without itself being in the position to exercise it. My ideas all fit together, but I cannot well present them all at once.

[6] Besides, frequent resort to corporal punishment is always a sign of weakness or laziness on the part of the Government. There is not a single wicked person who could not be made good for something. One only has the right to put to death, even as an example, someone who cannot be preserved without danger.

[7] As for the right to pardon or to exempt a guilty man from the penalty prescribed by law and imposed by a judge, it belongs exclusively to him who is above judge and law; that is, to the Sovereign: Still, its right in this matter is not altogether clear, and the occasions to exercise it are very rare. In a well governed State there are few punishments, not because many pardons are granted but because there are few criminals: the large number of crimes ensures their impunity when the State is in decline. Under the Roman Republic neither the Senate nor the Consuls ever attempted to grant pardons; nor did the people itself grant any, although it sometimes revoked its own verdict. Frequent pardons proclaim that crimes will soon no longer need pardons, and anyone can see where that leads. But I feel my heart murmur and check my pen; let us leave these questions to be discussed by the just man who has never lapsed and has never himself been in need of pardon.

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Chapter VI
Of Law

[1] By the social pact we have given the body politic existence and life: the task now is to give it motion and will by legislation. For the initial act by which this body assumes form and unity still leaves entirely undetermined what it must do to preserve itself.

[2] What is good [*bien*] and conformable to order is so by the nature of things and independently of human conventions. All justice comes from God, he alone is its source; but if we knew how to receive it from that high, we would need neither government nor laws. No doubt there is a universal justice emanated from reason alone; but in order to be admitted among us this justice has to be reciprocal. Considering things in human terms, the laws of justice are vain among men for want of natural sanction; they only benefit the wicked and harm the just when he observes them toward everyone while no one observes them toward him. Conventions and laws are therefore needed to unite rights with duties and to bring justice back to its object. In the state of nature, where everything is common, I owe nothing to those to whom I have promised nothing. I recognize as another's only what is of no use to myself. It is not so in the civil state where all rights are fixed by law.

[3] But what, then, finally, is a law? So long as people leave it at attaching only metaphysical ideas to this word, they will continue to reason without understanding one another, and even once it has been stated what a law of nature is, they will not have been brought any closer to knowing what a law of the State is.

[4] I have already said that there is no general will about a particular object. Indeed, that particular object is either within the State or outside the State. If it is outside the State, a will that is foreign is not general in relation to it; and if this object is inside the State, it is a part of it: Then a relation is formed between the whole and its part that makes them into two separate beings, of which the part is [*379*] one, and the whole less that part the other. But the whole less a part is not the whole, and as long as that relation persists there is no longer a whole but two unequal parts; from which it follows that neither is the will of one of these parts general in relation to the other.

[5] But when the whole people enacts statutes for the whole people it considers only itself, and if a relation is then formed, it is between the entire object from one point of view and the entire object from another point of view, with no division of the whole. Then the matter with regard to which the statute is being enacted is general, as is the enacting will. It is this act that I call a law.

[6] When I say that the object of the laws is always general, I mean that the law considers the subjects as a body and their actions in the abstract, never any man as an individual or any particular action. Thus the law can very well enact that there will be privileges, but it cannot confer them on any one by name; the law can create several Classes of Citizens, it can even specify the qualifications that entitle to membership in these classes, but it cannot nominate this person or that for admission to them; it can establish a royal government and a hereditary succession, but it cannot elect a king or name a royal family; in a word, any function that relates to an individual object does not fall within the province of the legislative power.

[7] In the light of this idea it is immediately evident that one need no longer ask to whom it belongs to make laws, since they are acts of the general will; nor whether the Prince is above the laws, since it is a member of the State; nor whether the law can be unjust, since no man can be unjust toward himself; nor how one is both free and subject to the laws, since they are nothing but registers of our wills.

[8] It is also evident that since the law combines the universality of the will with that of the object, what any man, regardless of who he may be, orders on his own authority is not a law; what even the Sovereign orders regarding a particular object is also not a law, but a decree, nor is it an act of sovereignty but one of magistracy.

[9] I therefore call Republic any State ruled by laws, whatever may be the form of administration: for then the public interest alone governs, and the [*380*] public thing counts for something. Every legitimate Government is republican:* I will explain later what Government is.

* By this word I understand not only an Aristocracy or a Democracy, but in general any government guided by the general will, which is the law. In order to be legitimate, the Government must not be confused with the Sovereign but be its minister: Then monarchy itself is a republic. This will become clearer in the following book.

[10] Laws are, properly speaking, nothing but the conditions of the civil association. The People subject to the laws ought to be their author; only the parties to the association may regulate the conditions of the society; but how will they regulate them? Will it be by common agreement, by a sudden inspiration? Has the body politic an organ to state its wills? Who will give it the foresight necessary to articulate its actions and to publish them in advance, or how will it declare them in time of need? How will a blind multitude which often does not know what it wills because it rarely knows what is good for it, carry out an undertaking as great, as difficult as a system of legislation? By itself the people always wills the good, but by itself it does not always see it. The general will is always upright, but the judgment that guides it is not always enlightened. It must be made to see objects as they are, sometimes as they should appear to it, shown the good path it seeks, secured against seduction by particular wills, bring places and times within its purview, weigh the appeal of present, perceptible advantages against the danger of remote and hidden evils. Individuals see the good they reject, the public wills the good it does not see. All are equally in need of guides: The first must be obliged to conform their wills to their reason; the other must be taught to know what it wills. Then the union of understanding and will in the social body results in public enlightenment, and from this union results the smooth cooperation of the parts and finally the greatest force of the whole. Whence arises the need for a Lawgiver.

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Chapter VII
Of the Lawgiver

[1] To discover the best rules of society suited to each Nation would require a superior intelligence who saw all of man's passions and experienced none of them, who had no relation to our nature yet knew it thoroughly, whose happiness was independent of us and who was nevertheless willing to care for ours; finally, one who, preparing his distant glory in the progress of times could

work in one century and enjoy the reward in another.* It would take Gods to give men laws.

[2] The same reasoning Caligula made as to fact, Plato made as to right in defining the civil or royal man he seeks in his book on ruling; but if it is true that a great Prince is a rare man, what of a great Lawgiver? The first need only follow the model which the other must propose. He is the mechanic who invents the machine, the first is nothing but the workman who assembles and operates it. At the birth of societies, says Montesquieu, it is the chiefs of republics who make the institution, and after that it is the institutions that form the chiefs of republics.

[3] He who dares to institute a people must feel capable of, so to speak, changing human nature; of transforming each individual who by himself is a perfect and solitary whole into part of a greater whole from which that individual as it were receives his life and his being; of adulterating man's constitution in order to strengthen it; of substituting a partial and moral existence for the independent and physical existence we have all received from nature. In a word, he must take from man his own forces in order to give him forces that [*382*] are foreign to him and which he cannot use without the help of others. The more these natural forces are dead and annihilated, the greater and more lasting are the acquired ones, and the more solid and lasting also is the institution: So that when each Citizen is nothing and can do nothing except with all the others, and the force acquired by the whole is equal or superior to the sum of the natural forces of all the individuals, the legislation may be said to be at the highest pitch of perfection it can reach.

[4] The Lawgiver is in every respect an extraordinary man in the State. While he must be so by his genius, he is no less so by his office. It is not magistracy, it is not sovereignty. This office, which constitutes the republic is not part of its constitution: It is a distinct and superior function that has nothing in common with human rule; for just as he who has command over men ought not to have command over the laws, so neither should he who has command over the laws have command over men;

* A people becomes famous only once its legislation begins to decline. No one knows how many centuries the institution of Lycurgus made for the Spartans' happiness before the rest of Greece took notice of them.

otherwise his laws, as ministers of his passions, would often only perpetuate his injustices, and he could never avoid having particular views vitiate the sanctity of his work.

[5] When Lycurgus gave his fatherland laws, he began by abdicating the Kingship. It was the custom of most Greek cities to entrust the establishment of their laws to foreigners. The modern Republics of Italy often imitated this practice: the Republic of Geneva did so as well and to good effect.* Rome in its finest period witnessed the rebirth of all the crimes of Tyranny in its midst, and found itself on the verge of perishing for having united the law-giving authority and the sovereign power in the same hands.

[6] Yet even the Decemvirs never arrogated to themselves the right to have any law passed solely on their authority. *Nothing we propose to you*, they used to say to the people, *can become law without your consent. Romans*, [*383*] *be yourselves the authors of the laws that are to make for your happiness.*

[7] He who drafts the laws has, then, or should have no legislative right, and the people itself cannot divest itself of this non-transferable right, even if it wanted to do so; because according to the fundamental pact only the general will obligates particulars, and there can never be any assurance that a particular will conforms to the general will until it has been submitted to the free suffrage of the people: I have said this already, but it is not useless to repeat it.

[8] So that the work of legislation is found to involve simultaneously two seemingly incompatible things: an undertaking beyond human strength and, to execute it, no authority whatsoever.

[9] A further difficulty that deserves attention. The wise who would speak to the vulgar in their own rather than in the vulgar language, will not be understood by them. Indeed there are a thousand kinds of ideas which it is impossible to translate into the language of the people. Views that are too general and aims that are too remote are equally beyond its reach; each individual, appreciating no other scheme of government than that which

* Those who look upon Calvin as only a theologian fail to appreciate the range of his genius. The framing of our wise Edicts, in which he played a large part, does him as much honor as does his institution. Whatever revolutions time may bring about in our cult, as long as love of fatherland and freedom is not extinguished among us the memory of this great man will never cease to be blessed in it.

bears directly on his particular interest, has difficulty perceiving the advantages he is supposed to derive from the constant privations required by good laws. For a nascent people to be capable of appreciating sound maxims of politics and of following the fundamental rules of reason of State, the effect would have to become the cause, the social spirit that is to be the work of the institution would have to preside over the institution itself, and men would have to be prior to laws what they ought to become by means of them. Thus, since the Lawgiver can use neither force nor reasoning, he must of necessity have recourse to an authority of a different order which might be able to rally without violence and to persuade without convincing.

[10] This is what in all ages has forced the fathers of nations to resort to the intervention of heaven and to honor the Gods with their own wisdom, so that peoples, subject to the laws of the State as to those of nature, and recognizing the same power in the formation of man and in that of the city, obey the yoke of public felicity freely and bear it with docility.

[11] This sublime reason which rises beyond the reach [*384*] of vulgar men it is whose decisions the Lawgiver puts in the mouth of the immortals in order to rally by divine authority those whom human prudence could not sway.* But it is not up to just anyone to make the Gods speak or to have them believe him when he proclaims himself their interpreter. The great soul of the Lawgiver is the true miracle that must prove his mission. Any man can carve tablets of stone, or bribe an oracle, or feign secret dealings with some divinity, or train a bird to speak in his ear, or find other crude ways to impress the people. Someone who can do only this much, might even by chance succeed in assembling a flock of fools, but he will never found an empire, and his extravagant work will soon perish together with him. Empty tricks form a passing bond, only wisdom can make it lasting. The Jewish law which still endures, that of Ishmael's child which has ruled half the world for ten centuries, still proclaim today the great men who dictated them;

* "The truth is, says Machiavelli, that there has never been a country where he who lays down extraordinary laws for a people did not have recourse to God, for otherwise his laws would not have been accepted. A prudent person knows many goods that do not have in themselves evident reasons by which to persuade others." *Discourses on Livy*, Bk. I, ch. 11.

and while prideful philosophy or blind party spirit regards them as nothing but lucky impostors, the true political man admires in their institutions the great and powerful genius that presides over enduring establishments.

[12] All this should not lead one to conclude with Warburton that among us politics and religion have a common object, but rather that at the origin of nations the one serves as the other's instrument.

Chapter VIII
Of the People

[1] Just as an architect, before putting up a large building, inspects and tests the soil to see whether it can support the weight, so the wise founder does not begin by [*385*] drawing up laws good in themselves, but considers first whether the people for whom he intends them is fit to bear them. This is why Plato refused to give laws to the Arcadians and Cyrenians, since he knew that these two peoples were rich and could not tolerate equality: this is why there were good laws and wicked men in Crete, for Minos had done no more than to discipline a vice-ridden people.

[2] A thousand nations on earth have been brilliant which could never have tolerated good laws, and even those which could have tolerated them could have done so only for a very brief period in the course of their entire lifetime. Peoples, like men, are docile only in their youth, they become incorrigible as they age; once customs are established and prejudices rooted, it is a dangerous and futile undertaking to try to reform them; the people cannot tolerate having their evils touched even if only to destroy them, like those stupid and cowardly patients who tremble at the sight of the doctor.

[3] This is not to say that, just as some illnesses overwhelm men's minds and deprive them of the memory of the past, there may not also sometimes occur periods of violence in the lifetime of States when revolutions do to peoples what certain crises do to individuals, when horror of the past takes the place of forgetting, and when the State aflame with civil wars is so to speak reborn from its ashes and recovers the vigor of youth as it escapes death's clutches. Such was Sparta at the time of Lycurgus, such was Rome

after the Tarquins; and such, in our time, were Holland and Switzerland after the expulsion of the Tyrants.

[4] But such events are rare; they are exceptions the reason for which is always found in the particular constitution of the excepted State. They could not even happen twice with the same people, for a people can free itself as long as it is merely barbarous, but it can no longer do so once the civil mainspring is worn out. Then troubles may destroy it while revolutions may not be able to restore it, and as soon as its chains are broken it falls apart and ceases to exist: From then on it needs a master, not a liberator. Free peoples, remember this maxim: Freedom can be won, but it is never recovered.

[*386*] [5] For Nations as for men there is a time of maturity for which one has to wait before subjecting them to laws; but the maturity of a people is not always easy to recognize, and if one acts too soon the work is ruined.* One people is amenable to discipline at birth, another is not amenable to it after ten centuries. The Russians will never be truly politically organized [*policés*] because they were politically organized too soon. Peter's genius was imitative; he did not have true genius, the kind that creates and makes everything out of nothing. Some of the things he did were good, most were misguided. He saw that his people was barbarous, he did not see that it lacked the maturity for political order; he wanted to civilize it when all it needed was to be made warlike. He initially wanted to make Germans, Englishmen, whereas he should have begun by making Russians; he prevented his subjects from ever becoming what they could be by persuading them that they are what they are not. In the same way a French Tutor forms his pupil for a moment's brilliance in childhood and never to amount to anything afterwards. The Russian Empire will seek to subjugate Europe, and will itself be subjugated. The Tartars, its subjects or neighbors, will become its masters and ours: This revolution seems to me inevitable. All the Kings of Europe are working in concert to hasten it.

* Youth is not childhood. For nations as well as for men there is a time of youth, or if you wish of maturity for which one has to wait. (1782 ed.)

Chapter IX
Continued

[1] Just as nature has set limits to the stature of a well-formed man, beyond which it makes only Giants and Dwarfs, so, too, with regard to the best constitution of a State, there are bounds to the size it can have in order not to be either too large to be well governed or too small to be self-sustaining. In every body politic there is a *maximum* of force which it cannot exceed, and from which it often strays by dint of growing larger. The more the social bond expands, the looser it grows, and in general a small State is proportionately stronger than a large one.

[*387*] [2] A thousand reasons prove this maxim. First, administration grows more difficult at great distances just as a weight grows heavier at the end of a longer lever. It also grows more burdensome as the levels of administration multiply; for, to begin with, each city has its own administration for which the people pays, each district has its own for which the people again pays, then each province, then the large governments, the Satrapies, the Viceroyalties, which always have to be paid more the higher one climbs, and always at the expense of the wretched people; finally comes the supreme administration which crushes everything. All these taxes upon taxes steadily exhaust the subjects; far from being better governed by these various agencies, they are less well governed than if they had just one over them. Yet hardly any resources are left over for emergencies, and when they are needed the State is always on the brink of ruin.

[3] Nor is this all; not only is the Government less vigorous and less prompt in enforcing the laws, preventing provocations, correcting abuses, thwarting seditious ventures that may be under way in faraway places; but also the people has less affection for its chiefs whom it never sees, for a fatherland that in its eyes is like the world, and for its fellow citizens most of whom are strangers to it. The same laws cannot suit such a variety of different provinces with different morals, living in widely different climates, and unable to tolerate the same form of government. Different laws give rise to nothing but trouble and confusion among peoples who, living under the same chiefs and in constant contact with one another, move back and forth between their own territory and

their neighbors', inter-marry and, since they are then subject to different customs, never quite know whether their patrimony is really theirs. Talents are buried, virtues ignored, vices unpunished in this multitude of men who do not know one another, and whom the seat of the supreme administration has brought together in the same place. The Chiefs, overwhelmed by public affairs, see nothing by themselves, clerks govern the State. In the end the measures that have to be taken to maintain the general authority, an authority which so many distant Officials want either to elude or abuse, absorb all public attention, none is left for the people's happiness and scarcely any is left for its defense in case of need, [*388*] and this is how a body too large for its constitution collapses and perishes, crushed by its own weight.

[4] On the other hand, the State has to provide itself with an adequate foundation so as to be solid, so as to be able to withstand the shocks it is bound to experience and the efforts it will be compelled to make in order to sustain itself: for all peoples have a kind of centrifugal force by which they continually act against one another and tend to expand at their neighbors' expense, like Descartes's vortices. Thus the weak are in danger of being swallowed up before long, and none can preserve itself except by establishing a kind of equilibrium with all the others which would more or less equalize the pressure all around.

[5] This shows that there are reasons to expand and reasons to contract, and it is not the least of a political man's talents to find the proportion between these two sets of reasons that most favors the preservation of the State. In general it may be said that the first, since they are merely external and relative, should be subordinated to the others, which are internal and absolute; a healthy and strong constitution is the first thing to strive for, and one should rely more on the vigor that comes from a good government than on the resources a large territory provides.

[6] Still, some States were so constituted that the necessity for conquests was built into their very constitution, and that were forced continually to expand in order to maintain themselves. They may have congratulated themselves on this happy necessity which, however, showed them the limit beyond which they could not grow and hence the inevitable moment of their downfall.

Chapter X
Continued

[1] A body politic can be measured in two ways, namely by the extent of its territory, and by the number of its people, and the proper ratio between these two measures is the State's genuine [*389*] size: It is men who make up the State and it is the land that feeds the men; their proper ratio is, then, that there be enough land to support its inhabitants, and as many inhabitants as the land can feed. It is in this proportion that the maximum force of a given number of people consists; for if there is too much land its defense is burdensome, its cultivation insufficient, its yield superfluous; this is the proximate cause of defensive wars; if there is not enough land, the State finds itself at its neighbors' discretion for the extra it needs; this is the proximate cause of offensive wars. Any people which, because of its location, has no other alternative than commerce or war, is inherently weak; it is dependent on its neighbors; it is dependent on circumstances; it never has any but a precarious and brief existence. Either it subjugates and changes its circumstances, or it is subjugated and is nothing. It can remain free only by being very small or very large.

[2] It is impossible to state in numerical terms the precise ratio between the extent of land and the number of men appropriate for one another; as much because of the differences in properties of the soil, its degrees of fertility, the nature of its products, the influence of climates, as because of the differences in temperaments found among the men who live in these different climates, some of whom consume little in a fertile country, and others who consume much with an unproductive soil. One also has to take into account the greater or lesser fertility of the women, what the country may offer that is more or less favorable to the growth of population, the number of people the lawgiver can hope to contribute to the population by the institutions he establishes; so that he should not base his judgment on what he sees but on what he foresees, nor focus as much on the present state of the population as on the state it should naturally reach. Finally, there are a thousand occasions when particular accidental features of a given place require or permit taking up more land than appears needed. Thus men will spread out a good deal in a mountainous

country where the natural produce, namely woods, pastures, require less work, where experience teaches that women are more fertile than in the plains, and where large stretches of sloping terrain leave only a small level area which alone is suited for vegetation. By contrast, men can draw together at the edge of the sea, even among nearly barren rocks and sand [*390*] because there fishing can in large measure make up for the products of the earth, because men have to live more closely assembled to repulse pirates, and besides because it is easier to relieve the country of its excess population by means of colonies.

[3] To these conditions for instituting a people, one more has to be added that cannot replace any other, but without which all the rest are useless: the enjoyment of prosperity and peace; for the time when a State is being organized, like that when a battalion is being drawn up in formation, is the moment when the body is least able to resist and easiest to destroy. Better resistance would be offered at a time of absolute disorder than in a moment of fermentation when everyone is preoccupied with his rank rather than with the peril. If a war, a famine, a sedition arose in such a time of crisis, the State would inevitably be overthrown.

[4] Not that many governments have not been established during such storms; but then it is those governments themselves that destroy the State. Usurpers invariably bring about such times of trouble or choose them and, taking advantage of the public panic, get destructive laws passed which the people would never adopt in a cool hour. The choice of the moment of institution is one of the most reliable features by which to distinguish the work of the Lawgiver from the Tyrant's.

[5] What people, then, is suited for legislation? One that, while finding itself already bound by some shared origin, interests or conventions, has not yet borne the true yoke of laws; one with neither deep-rooted customs nor deep-rooted superstitions; one that does not fear being overrun by a sudden invasion; that without taking part in its neighbors' quarrels, can resist any one of them by itself or enlist the help of one to repulse the other; one whose every member can be known to all, and where one is not forced to burden a man with a greater load than a man can bear; one that can do without all other peoples and without which every

other people can do;* One that is neither [*391*] rich nor poor and can be self-sufficient; finally, one that combines the stability of an ancient people with the docility of a new people. What makes the work of legislation difficult is not so much what has to be established as what has to be destroyed; and what makes success so rare is the impossibility of finding the simplicity of nature joined with the needs of society. It is true that it is difficult to find all of these conditions together. Which is why one sees few well-constituted States.

[6] There is still one country in Europe capable of receiving legislation; it is the island of Corsica. The valor and steadfastness with which this brave people was able to recover and defend its freedom, amply deserves that some wise man taught it to preserve it. I rather suspect that this small island will one day astonish Europe.

Chapter XI
Of the Various Systems of Legislation

[1] If one inquires in what precisely consists the greatest good of all – which ought to be the end of every system of legislation – one will find that it comes down to the following two principal objects, *freedom* and *equality*. Freedom, because any particular dependence is that much force taken away from the body of the State; equality, because freedom cannot subsist without it.

[2] I have already said what civil freedom is; with regard to equality, this word must not be understood to mean that degrees of power and wealth should be absolutely the same, but that, as regards power, it be devoid of all violence and never be exercised except by virtue of rank and the laws, and that as regards wealth, no citizen be rich enough to be able to buy an[*392*]other, and none

* If one of two neighboring peoples could not do without the other, the situation would be extremely hard for the first and extremely dangerous for the second. Any wise nation would, in such a case, try promptly to relieve the other of this dependence. The Republic of [*391*] Tlaxcala, an enclave in the Empire of Mexico, preferred doing without salt to buying it from the Mexicans, and even to accepting any free of charge. The wise Tlaxcalans saw the trap hidden in this generosity. They preserved their freedom and in the end this small State, surrounded by that great Empire, was the instrument of its ruin.

so poor that he is compelled to sell himself: Which assumes moderation in goods and influence on the part of the great, and moderation in avarice and covetousness on the part of the lowly.*

[3] This equality, they say, is a chimera of speculation that cannot exist in practice: But if abuse is inevitable, does it follow that it ought not at least be regulated? It is precisely because the force of things always tends to destroy equality that the force of legislation should always tend to maintain it.

[4] But these general aims of every good institution must be adapted in each country to the relations that arise as much from local conditions as from the character of the inhabitants, and it is on the basis of these relations that each people has to be assigned a particular system of institutions that is the best, not, perhaps, in itself, but for the State for which it is intended. For example, is the soil unprofitable and barren, or the country too small for its inhabitants? Turn to industry and the arts, the products of which you can trade for the foods you lack. Do you, on the contrary, occupy rich plains and fertile slopes? Have you good soil but too few inhabitants? Devote all of your efforts to agriculture, which increases the population, and drive out the arts which would only further depopulate the countryside by concentrating in just a few points of its territory the few inhabitants it does have.** Do you occupy extensive and convenient shores? Cover the sea with ships, cultivate commerce and navigation; you will have a brilliant and brief existence. Does the sea wash up against nothing but nearly inaccessible rocks along your shores? Remain barbarous and fish-eaters; you will live the more tranquil for it, perhaps better, and certain[*393*]ly happier. In a word, besides the maxims common to all, there is within each People some cause that orders these maxims in a particular manner and makes its

* Do you, then, want to give the State stability? bring the extremes as close together as possible; tolerate neither very rich people nor beggars. These two states, which are naturally inseparable, are equally fatal to the common good; from one come the abettors of tyranny, and from the other tyrants; it is always between these two that public freedom gets trafficked; one buys it, the other sells it.

** Any branch of foreign trade, says the M[arquis] d'A[rgenson], provides a kingdom in general with little more than a deceptive benefit; it may enrich a few individuals, even a few cities, but the nation as a whole gains nothing from it, and the people is no better off for it.

legislation suited for it alone. Thus the Hebrews formerly and the Arabs recently had religion for their principal object, the Athenians letters, Carthage and Tyre commerce, Rhodes seafaring, Sparta war, and Rome virtue. The Author of The *Spirit of the Laws* has illustrated with a great many instances the art by which the lawgiver directs the institution toward each one of these objects.

[5] What makes the constitution of a State genuinely solid and lasting, is when due fit is so well observed that natural relations and the laws are always consonant on the same points, and that the latter as it were only secure, accompany and rectify the former. But if the Lawgiver mistakes his object, if he adopts a principle different from that which arises from the nature of things, if one principle tends toward servitude and the other tends toward freedom, one toward wealth, the other toward population, one toward peace, the other toward conquests, the laws will be found imperceptibly to weaken, the constitution to deteriorate, and the State will not be free of turmoil until it is either destroyed or changed, and invincible nature has regained its empire.

Chapter XII
Classification of Laws

[1] To order the whole, or to give the public realm the best form possible, various relations have to be considered. First, the action of the entire body acting on itself, that is to say the relation of the whole to the whole, or of the Sovereign to the State, and this relation is made up of the relation between the intermediate terms, as we shall see in the sequel.

[2] The laws that regulate this relation bear the name political laws, and are also called fundamental laws, not without some reason if these laws are wise. For if there is but one good way of ordering any given State, the people that has found it ought to stay with it: but if the established order [*394*] is bad, why would laws that prevent it from being good be regarded as fundamental? Besides, a people is in any case always master of changing its laws, even the best of them; for if it pleases it to harm itself, who has the right to prevent it from doing so?

[3] The second relation is that of the members with one another or with the entire body, and this relation should be as small as possible with respect to the first, and as large as possible with respect to the second: so that each Citizen be perfectly independent of all the others and excessively dependent on the City; which is always achieved by the same means; for it is only the State's force that makes for its members' freedom. It is from this second relation that the civil laws arise.

[4] The relation between disobedience of the law and penalty might be viewed as a third sort of relation between man and the law; this relation prompts the institution of criminal laws which, at bottom, are not so much a specific kind of law as they are the sanction for all the others.

[5] In addition to these three sorts of laws there is a fourth, the most important of all; which gets engraved not in marble or in bronze but in the hearts of the Citizens; which is the genuine constitution of the State; which daily gathers new force; which, when the other laws grow old or die out, revives or replaces them, preserves a people in the spirit of its institution and imperceptibly substitutes the force of habit for that of authority. I speak of morals, customs, and above all of opinion; a part of the laws unknown to our political men, but upon which the success of all the others depends: a part to which the great Lawgiver attends in secret, while he appears to restrict himself to particular regulations that are but the ribs of the arch of which morals, slower to arise, in the end form the immovable Keystone.

[6] Among these various Classes, political laws, which constitute the form of the Government, are the only class that pertains to my subject.

[*395*]

Book III

Before speaking about the various forms of Government, let us try to establish the precise meaning of this term, which has not yet been adequately explained.

Chapter I
Of Government in General

[1] I warn the reader that this chapter has to be read with due care, and that I lack the art of being clear for those who are not willing to be attentive.

[2] Every free action has two causes that concur to produce it, one moral, namely the will that determines it, the other physical, namely the power that executes it. When I walk toward an object, it is necessary, in the first place, that I will to go to it; in the second place, that my feet carry me to it. Let a paralyzed person will to run, let an agile one will not to do so, both will stay where they are. The body politic has the same motive causes; in it, too, force and will are distinct: The latter being called *legislative power*, the former *executive power*. Nothing does or should happen in it without their concurrence.

[3] We have seen that the legislative power belongs to the people, and can belong only to it. In contrast, it is easy to see that, by the principles established above, the executive power cannot belong to the generality of the people in its Legislative or Sovereign capacity; for this executive power consists solely in particular acts that are not within the province of the law nor, consequently, within that of the [*396*] Sovereign, all of whose acts can only be laws.

[4] The public force therefore has to have its own agent which unites it with the general will and activates it according to the general will's directives, which serves as a means of communication between the State and the Sovereign, which in a sense does for the public person what the union of soul and body does in man. This is the reason why, within the State, there is Government,

improperly confused with the Sovereign of which it is merely the minister.

[5] What, then, is the Government? An intermediate body established between the subjects and the Sovereign so that they might conform to one another, and charged with the execution of the laws and the maintenance of freedom, both civil and political.

[6] The members of this body are called magistrates or Kings, that is to say Governors, and the body as a whole bears the name Prince.* Thus those who hold that the act by which a people subjects itself to chiefs is not a contract are perfectly correct. It is absolutely nothing but a commission, an office in which they, as mere officers of the Sovereign, exercise in its name the power it has vested in them and which it can limit, modify and take back whenever it pleases, since the alienation of such a right is incompatible with the nature of the social body and contrary to the goal of the association.

[7] I therefore call Government or supreme administration the legitimate exercise of the executive power, and Prince or Magistrate the man or the body charged with this administration.

[8] It is in the Government that are located the intermediate forces whose relations make up the relation of the whole with the whole, or of the Sovereign with the State. This last relation can be represented as the ratio between the extremes of a continuous proportion of which the mean proportional is the Government. The Government receives from the Sovereign the orders which it gives the people, and for the State to be in proper equilibrium it is necessary that, all other things being equal, the product or power of the Government taken by itself be equal to the product or power of the citizens who, in one perspective, are sovereign, and subjects in another.

[*397*] [9] What is more, none of these three terms can be altered without immediately destroying the proportion. If the Sovereign seeks to govern, or the magistrate seeks to give laws, or the subjects refuse to obey, disorder replaces rule, force and will no longer act in concert, and the State, being dissolved, thus sinks into despotism or into anarchy. Finally, since there is only one

* Thus in Venice, the college of Senators is called most serene Prince even when the Doge is not in attendance.

mean proportional for each ratio, there is also only one good government possible in any given State: But since a thousand events can change a people's relations, not only can different governments be good for different peoples, but they can also be good for the same people at different times.

[10] To try to give some idea of the various relations that may obtain between these two extremes, I will take as an example the number of the people, as this relation is easier to express.

[11] Let us assume that the State is made up of ten thousand Citizens. The Sovereign can be considered only collectively and as a body: But each private person in his capacity as a subject is considered individually: Thus the Sovereign is to the subject as ten thousand is to one: That is to say that each member of the State has only one ten-thousandth of the Sovereign authority as his own share, although all of him is subject to it. Let the people be composed of a hundred thousand men, the subjects' condition does not change and each one bears the full empire of the laws equally whereas his vote, reduced to a hundred thousandth, exercises ten times less influence in drafting the laws. Thus, since the subject always remains one, the ratio of Sovereign to subject increases in proportion to the number of Citizens. Whence it follows that the larger the State grows, the more freedom diminishes.

[12] When I say that the ratio increases, I mean that it moves farther away from equality. Thus the greater the ratio is in the Geometer's sense of the term, the smaller it is in the ordinary sense; in the first sense, the ratio considered in terms of quantity is measured by the quotient, and in the other sense, considered in terms of identity, it is gauged by similarity.

[13] Now, the smaller the ratio of individual wills to the general will, that is to say of morals to the laws, the more does the repressive force have to increase. Hence in order to be good, the Government has to have relatively more force in proportion as the people is more numerous.

[*398*] [14] On the other hand, since the expansion of the State offers the trustees of the public authority more temptations and more means to misuse their power, it follows that the more force the Government has to have in order to contain the people, the more force does the Sovereign in its turn have to have in order to

contain the Government. I am not here speaking about an absolute force, but about the relative force of the various parts of the State.

[15] It follows from this double ratio that the continuous proportion of Sovereign, Prince and people is not an arbitrary idea, but a necessary consequence of the nature of the body politic. It further follows that since one of the extremes, namely the people as subjects, is fixed and represented by unity, every time the doubled ratio increases or decreases, the single ratio similarly increases or decreases, and the middle term is correspondingly changed. This shows that there is no unique and absolute constitution of Government, but that there may be as many Governments differing in nature as there are States differing in size.

[16] If, in order to reduce this system to ridicule, it were said that according to me finding this mean proportional and forming the body of the Government requires no more than taking the square root of the number of the people, I would reply that I am here using this number only as an example; that the ratios about which I am speaking are measured not only by numbers of men, but more generally by the amount of activity which is the combined result of a great many causes; that, besides, if in order to express myself in fewer words I briefly borrow the language of geometry, I am nevertheless not unaware of the fact that geometrical precision does not obtain in moral quantities.

[17] The Government is on a small scale what the body politic that contains it is on a large scale. It is a moral person endowed with certain faculties, active like the Sovereign, passive like the State, and that can be analyzed into further, similar ratios from which a new proportion consequently arises, and within it yet another proportion corresponding to the judiciary, until an indivisible middle term is reached, that is to say a single chief or supreme magistrate, who might be conceived of in the middle of this progression as the unity between the series of fractions and of the series of whole numbers.

[18] Without getting involved in this proliferation of [*399*] terms, let us leave it at considering the Government as a new body in the State, distinct both from the people and the Sovereign, and intermediate between them.

[19] The essential difference between these two bodies is that the State exists by itself, and the Government exists only by virtue of the Sovereign. Thus the Prince's dominant will is or should be nothing but the general will or the laws; the Prince's force is nothing but the public force concentrated in it: as soon as it wills to derive some absolute and independent act from itself, the cohesion of the whole begins to slacken. If it finally came to pass that the Prince had a private will more active than the Sovereign's and that in heeding this private will it used the public force in its power so that there would be, so to speak, two Sovereigns, one by right and the other in fact; the social union would instantly vanish, and the body politic be dissolved.

[20] Yet for the body of the Government to have existence, a real life that distinguishes it from the body of the State, for all of its members to be able to act in concert and to assume responsibility for the end for which it is instituted, it has to have a particular *self*, a sensibility common to its members, a force, a will of its own that tends to its preservation. Such a particular existence presupposes assemblies, councils, power to deliberate, to decide, rights, titles, privileges that belong exclusively to the Prince and make the magistrate's position more honorable in proportion as it is more demanding. The difficulties consist in so ordering this subordinate whole within the whole that it does not weaken the general constitution by strengthening its own, that it always keeps its particular force intended for its own preservation distinct from the public force intended for the preservation of the State, and that, in a word, it is ever ready to sacrifice the Government to the people and not the people to the Government.

[21] However, although the artificial body of the Government is the product of another artificial body and has, as it were, only a borrowed and subordinate life, this does not keep it from being able to act more or less vigorously or promptly, or to enjoy, so to speak, a more or less robust health. Finally, without directly [*400*] departing from the goal of its institution, it may deviate from it more or less, depending on how it is constituted.

[22] It is from all of these differences that arise the various relations that ought to obtain between the Government and the body of the State, taking into account the accidental and particular relations by which this State is modified. For often the

Government that is the best in itself will become the most vicious if its relations are not accommodated to the defects of the body politic to which it belongs.

Chapter II
Of the Principle that Constitutes the Different Forms of Government

[1] In order to set out the general cause of these differences, it is necessary to distinguish here between the Prince and the Government, as above I distinguished between the State and the Sovereign.

[2] The body of the magistracy may be made up of a greater or lesser number of members. We have said that the ratio of Sovereign to subjects was greater to the degree that the people was more numerous, and by an obvious analogy we can say the same about the Government in relation to the Magistrates.

[3] Now, since the total force of the Government is always that of the State, it does not vary: from which it follows that the more of this force it uses on its own members, the less it has left to act on the whole people.

[4] Hence the more numerous the Magistrates, the weaker the Government. Since this maxim is fundamental, let us try to clarify it more fully.

[5] We can distinguish three essentially different wills in the person of the Magistrate: First, the individual's own will, which tends solely to his particular advantage; second, the common will of the Magistrates which is concerned exclusively with the advantage of the Prince and may be called the corporate will, which is general in relation to the Government and particular in relation to the State of which the Government is a part; in the third place, the will of the people or the [*401*] sovereign will, which is general in relation both to the State considered as the whole and to the Government considered as a part of the whole.

[6] In a perfect legislation, the particular or individual will should be null, the Government's own corporate will should be very subordinate, and consequently the general or sovereign will should always be dominant and the sole rule of all the others.

[7] According to the natural order, on the contrary, the more concentrated these different wills are, the more active they grow. Thus the general will is always the weakest, the corporate will occupies second place, and the particular will the first place of all: so that in the Government each member is first of all himself, and then Magistrate, and then citizen. A gradation that is the direct opposite of that required by the social order.

[8] This being given, assume the entire Government in the hands of a single person. Here, then, the particular will and the corporate will are perfectly united and hence the corporate will is at the highest degree of intensity it can attain. Now, since the use of force depends on the degree of will, and since the Government's absolute force does not vary, it follows that the most active of Governments is that of a single man.

[9] Let us, on the contrary, combine the Government with the legislative authority; let us turn the Sovereign into the Prince and all the citizens into so many Magistrates: Then the corporate will, merged with the general will, is no more active than it, and leaves the individual will with its full force. Thus the Government, with the same absolute force, will be at its minimum relative force or activity.

[10] These relations are beyond dispute, and other considerations only confirm them. For example, it is evident that each magistrate is more active within his corporate body than each citizen is in his, and consequently that a particular will has far more influence in the actions of Government than it has in the actions of the Sovereign; for each magistrate is almost always responsible for some function of the Government, whereas each citizen taken by himself exercises no function of sovereignty. Besides, the more the State expands, the more its real force increases, although it does not increase in proportion to [*402*] its size: but if the State remains the same, then regardless of how much the magistrates multiply, the Government does not thereby gain greater real force because this force is the force of the State, whose extent is still the same. Thus the relative force or activity of the Government diminishes, while its real force or activity cannot increase.

[11] Again, it is certain that business gets attended to less efficiently in proportion as more people are in charge of it, that

by conceding too much to prudence not enough is conceded to fortune, that opportunity is allowed to escape, and that the fruits of deliberation are often lost by deliberating too much.

[12] I have just proved that the Government grows slack in proportion as magistrates proliferate, and earlier I proved that the more numerous the people, the more does repressive force have to increase. From which it follows that the ratio of magistrates to Government should be the inverse of the ratio of subjects to Sovereign: That is to say that the more the State grows, the more should the Government contract; by so much that the number of chiefs should diminish in proportion to the increase of people.

[13] However, I am here speaking only about the Government's relative force, and not about its rectitude: For, on the contrary, the more numerous the body of the magistrates, the more closely does the corporate will approach the general will; whereas under a single magistrate this same corporate will is, as I have said, merely a particular will. Thus is lost on one side what might be gained on the other, and the Lawgiver's art consists in knowing how to determine the point at which the force and the will of the Government, which are always inversely proportional, can be combined in the ratio most advantageous to the State.

Chapter III
Classification of Governments

[1] In the preceding chapter we saw why the various kinds or forms of Government are distinguished according to the number of members that make them up; in the present chapter it remains to be seen how this classification is made.

[*403*] [2] The Sovereign can, in the first place, entrust the charge of Government to the whole people or to the majority of the people, so that there be more citizens who are magistrates than citizens who are plain private individuals. This form of Government is given the name *Democracy*.

[3] Or else the Sovereign can restrict the Government to the hands of a small number, so that there be more plain Citizens than magistrates, and this form bears the name *Aristocracy*.

[4] Finally, the Sovereign can concentrate the whole of Government in the hands of a single magistrate from whom all the rest derive their power. This third form is the most common, and is called *Monarchy* or royal Government.

[5] It should be noted that all of these forms, or at least the first two, admit of more or less, and even have a rather considerable latitude; for Democracy can include the whole people or be restricted to as few as half. Aristocracy, in turn, can be restricted to anywhere from half the people to the smallest number. Even Royalty admits of being shared to a certain extent. Sparta consistently had two Kings by its constitution, and the Roman Empire is known to have had as many as eight Emperors at once without its being possible to say that the Empire was divided. Thus there is a point at which each form of Government merges into the next, and it is evident that under just these three headings, Government admits of as many different forms as the State has Citizens.

[6] What is more: since this same Government can in certain respects subdivide itself into different parts, one administered one way, the other another way, the combination of these three forms can result in a multitude of mixed forms, each of which can be multiplied by all the simple forms.

[7] There has always been much disagreement about the best form of Government without considering that each one of them is the best in some cases and the worst in others.

[8] If, in the various States, the number of supreme magistrates should be inversely proportional to the number of Citizens, it follows that in general Democratic Government suits small States, Aristocratic Government [*404*] medium-sized ones, and Monarchy large ones. This rule is derived directly from the principle; but how is one to enumerate the many circumstances that can make for exceptions to the rule?

Chapter IV
Of Democracy

[1] He who makes the law knows better than anyone how it should be executed and interpreted. It would therefore seem that there could be no better constitution than one in which

the executive power is combined with the legislative: But this is precisely what makes this Government inadequate in certain respects, for things that should be kept distinct are not, and the Prince and the Sovereign being nothing but the same person, form, so to speak, nothing but a Government without a Government.

[2] It is not good that he who makes the laws execute them, nor that the body of the people turn its attention from general considerations to particular objects. Nothing is more dangerous than the influence of private interests in public affairs, and abuse of the laws by the Government is a lesser evil than the corruption of the Legislative that is the inevitable consequence of particular considerations. When this happens, the State is adulterated in its very substance and therefore all reform becomes impossible. A people that would never abuse the Government would also not abuse independence; a people that would always govern well would not need to be governed.

[3] A genuine Democracy in the strict sense of the term never did and never will exist. It is against the natural order that the greater number govern and the smaller number be governed. It is unimaginable that the people remain constantly assembled to attend to public affairs, and it is readily evident that it could not establish commissions to do so without the form of the administration changing.

[4] Indeed, I believe I can posit as a principle that when the functions of Government are divided among [*405*] several tribunals, the least numerous sooner or later acquire the greatest authority; if only because of the ease in dispatching business, which naturally leads to their acquiring it.

[5] Besides, how many difficult to combine things does not this Government presuppose? First, a very small State where the people is easily assembled and where each citizen can easily know all the others; second, great simplicity of morals to preclude having many dealings to sort out with one another, and thorny discussions; next, great equality of ranks and fortunes, without which equality of rights and authority could not subsist for long: Finally, little or no luxury; for luxury is either the effect of riches or makes them necessary; it corrupts rich and poor alike, the one by possession, the other by covetousness; it sells out the fatherland

to laxity, to vanity; it deprives the State of all its Citizens by making them slaves to one another and all of them to opinion.

[6] This is why a famous Author declared virtue to be the principle of Republics; for all these conditions could not subsist without virtue: but for want of drawing the necessary distinctions, this noble genius often lacked in precision, sometimes in clarity, and he failed to see that since the Sovereign authority is everywhere the same, the same principle must obtain in every well-constituted State, more or less, it is true, according to the form of the Government.

[7] Let us add that there is no Government as subject to civil wars and intestine turmoil as Democratic or popular Government, because none tends so strongly and so constantly to change its form, or any that requires greater vigilance and courage to maintain in its own form. It is in this constitution above all that the Citizen must arm himself with force and steadfastness, and every day of his life say from the bottom of his heart what a virtuous Palatine* said in the Diet of Poland: *I prefer a perilous freedom to quiet servitude*.

[*406*] [8] If there were a people of Gods, it would govern itself democratically. So perfect a Government is not suited to men.

Chapter V
Of Aristocracy

[1] We have here two very distinct moral persons, namely the Government and the Sovereign, and consequently two general wills, one in relation to all the citizens, the other only to the members of the administration. Thus, even though the Government may regulate its internal policy as it pleases, it may never speak to the people except in the name of the Sovereign, that is to say in the name of the people itself; which should never be forgotten.

[2]The first societies governed themselves aristocratically. The heads of families deliberated among themselves about the public business; The young readily deferred to the authority of

* The Palatine of Poznan, father of the King of Poland, Duke of Lorraine.

experience. Hence the names *Priests, elders, senate, Gerontes*. The savages of North America still govern themselves this way now, and they are very well governed.

[3] But in proportion as instituted inequality prevailed over natural inequality, riches or power* was given preference over age, and Aristocracy became elective. Finally, the power bequeathed to the children together with the father's goods made for patrician families which in turn made the Government hereditary, and there were twenty-year-old Senators.

[4] There are, then, three kinds of Aristocracy: natural, elective, hereditary. The first is suited only to simple peoples; the third is the worst of all Governments. The second is the best; it is Aristocracy properly so called.

[5] Aristocracy, in addition to having the advantage of distinguishing between the two powers, has the advantage of choosing its members; for in [*407*] popular Government all Citizens are born magistrates, whereas this Government restricts them to a small number and they become magistrates only by being elected;** a means by which probity, enlightenment, experience, and all the other reasons for public preference and esteem are so many further guarantees of being well governed.

[6] Moreover, assemblies are convened more easily, business is discussed better and dispatched in a more orderly and prompt fashion, the State's prestige abroad is upheld better by venerable senators than by an unknown and despised multitude.

[7] In a word, the best and most natural order is to have the wisest govern the multitude so long as it is certain that they will govern it for its advantage and not for their own; institutions and procedures should not be multiplied needlessly, nor should twenty thousand men be employed to do what a hundred well chosen men can do even better. But it has to be noted that here the corporate interest begins to guide the public force less in

* It is clear that among the ancients the term *Optimates* does not mean the best, but the most powerful.

** It is very important to regulate the form of electing magistrates by laws; because if it is left up to the will of the Prince, hereditary Aristocracy is the inevitable consequence, as it was in the Republics of Venice and of Bern. Indeed, the first has long since been a dissolved State, whereas the second maintains itself by the extreme wisdom of its Senate; it is a most honorable and a most dangerous exception.

accordance with the dictate of the general will, and that another, inevitable, decline deprives the laws of a portion of the executive power.

[8] Regarding suitable particular circumstances, the State should not be so small nor the people so simple and upright that the execution of the laws follows directly from the public will, as it does in a good Democracy. Nor should the nation be so large that the chiefs, being dispersed in order to govern it, can make decisions on behalf of the Sovereign each in his own department, and so begin by making themselves independent and end up becoming the masters.

[9] But while Aristocracy requires somewhat fewer virtues than popular Government, it also requires others that are proper to it; such as moderation among the rich and contentment among the poor; for it seems that a rigorous equality would be out of place in Aristocracy; it was not even observed in Sparta.

[*408*] [10] Besides, while this form of Government does involve a certain inequality of fortune, it does so rather in order to have the administration of the public business generally entrusted to those who can best devote all of their time to it, than, as Aristotle contends, so that the rich always be preferred. On the contrary, it is important that an alternative choice occasionally teach the people that men's merit offers more important reasons for preference than riches.

Chapter VI
Of Monarchy

[1] So far we have considered the Prince as a moral and collective person, united by the force of laws, and the trustee of the executive power in the State. We now have to consider this power gathered in the hands of a natural person, an actual human being who alone has the right to exercise it according to the laws. This is what is called a Monarch, or a King.

[2] In direct contrast to the other administrations, in which a collective being represents an individual, in this one an individual represents a collective being; so that the moral unity that constitutes the Prince is at the same time a physical unity in which

are united naturally all the faculties which the law unites with so much difficulty in the other form of administration.

[3] Thus the will of the people, and the will of the Prince, and the public force of the State, and the particular force of the Government, everything responds to the same motive force, all of the machine's springs are in the same hand, everything proceeds toward the same goal, no opposing motions cancel one another, and no constitution of any kind can be imagined in which less effort would produce greater action. Archimedes quietly seated on shore and effortlessly raising a large Vessel out of the water represents for me a skillful monarch governing his vast States from his study and causing everything to move while himself appearing to be unmoving.

[*409*] [4] But while there is no Government that is more vigorous, there is none in which the particular will has greater sway and more easily dominates the others; everything proceeds toward the same goal, it is true, but that goal is not public felicity, and the very force of the Administration constantly works to the detriment of the State.

[5] Kings want to be absolute, and from afar some call out to them that the best way to be so is to make themselves loved by their peoples. The maxim is very fine, and in some respects even very true. Unfortunately it will always be ridiculed in Courts. The power that comes from the peoples' love is unquestionably the greatest; but it is precarious and conditional, never will Princes be satisfied with it. The best Kings want to be able to be wicked if they please, without ceasing to be masters: A political sermonizer may well tell them that since the people's force is their force, their greatest interest is to have the people flourishing, numerous, formidable; they know perfectly well that this is not true. Their personal interest is first of all that the People be weak, wretched, and never able to resist them. I admit that, assuming always perfectly submissive subjects, it would be in the Prince's interest that the people be powerful, so that this power, being his, might make him formidable to his neighbors; but since this is only a secondary and subordinate interest, and the two assumptions are incompatible, it is natural that Princes always prefer the maxim that is most immediately useful to them. This is what Samuel so forcefully conveyed to the Hebrews; it is what

Machiavelli has conclusively shown. While pretending to teach lessons to Kings, he taught great lessons to peoples. Machiavelli's *Prince* is the book of republicans.*

[6] We have found on the basis of general relations that monarchy is suited only to large States, and we again find it to be so upon examining monarchy in itself. The more numerous the public administration, the more the ratio of Prince to subjects decreases and approaches equality, so that this ratio is one to one or equality itself in Democracy. This same ratio increases in proportion as the Government contracts, and it is at its maximum when the Government is in the hands of a single person. [*410*] The distance between Prince and People is then too great, and the State lacks cohesion. In order to make for such cohesion, intermediate orders are therefore needed: Princes, Grandees, nobility are needed to fill them. Now, none of this is suited to a small State, which all such gradations ruin.

[7] But if it is difficult for a large State to be well governed, it is much more difficult for it to be well governed by a single man, and everyone knows what happens when the King rules through proxies.

[8] One essential and inevitable defect that will always make monarchical government inferior to republican government is that in Republics the public voice almost never elevates to the highest places any but enlightened and capable men who occupy them with honor: whereas those who succeed in monarchies are most often nothing but petty bunglers, petty knaves, petty schemers whose petty talents, which give access to high places at Court, only serve to exhibit their ineptitude to the public as soon as they have reached these high places. The people is much less often mistaken in this choice than the Prince, and a man of true merit is almost as rare in a royal ministry as a fool at the head of a republican

* Machiavelli was an honest man and a good citizen: but being attached to the house of the Medici, he was forced during the oppression of his fatherland to disguise his love of freedom. The very choice of his execrable Hero sufficiently exhibits his secret intention, and the contradiction between the maxims of his Book on the Prince and those of his discourses on Titus Livy and of his history of Florence proves that this profound political man has so far had only superficial or corrupt Readers. The Court of Rome has severely prohibited his book, and I should think that it would: it is the Court it most clearly depicts. [Note added in the 1782 edn.]

government. Indeed, when by some happy accident one of those men who are born to govern takes the helm of affairs in a Monarchy that has been almost ruined by those crowds of fancy managers, everyone is utterly amazed at the resources he discovers, and it marks an epoch in a country's history.

[9] For a monarchical State to be well governed, its size or extent would have to be commensurate with the faculties of him who governs. It is easier to conquer than to rule. Given an adequate lever, a single finger can move the world, but it takes the shoulders of Hercules to hold it up. If a State is at all large, the Prince is almost always too small. On the other hand, when the State happens to be too small for its chief, which is very rarely the case, it is still badly governed because the chief, forever pursuing his own large views, forgets the peoples' interests, and makes them no less unhappy by misusing his excess of talents than would a dull-witted chief for want of the talents he lacks. A kingdom would, so to speak, have to expand or [*411*] to contract with each reign according to the Prince's scope; by contrast, since the range of a Senate's talents fluctuates less, the State can have stable boundaries and the administration run no less well.

[10] The most perceptible drawback of Government by a single person is the lack of the continuous succession that forms an unbroken bond in the two other forms of Government. When a King dies, another is needed; elections leave dangerous intervals, they are stormy, and unless the Citizens are disinterested and upright to an extent scarcely consistent with this form of Government, intrigue and corruption will play their part. It is unlikely that he to whom the State has sold itself will not sell it in turn, and that he will not seek compensation at the expense of the weak for the money extorted from him by the powerful. Sooner or later everything becomes venal under such an administration, and then the peace enjoyed under Kings is worse than the disorder of interregna.

[11] What has been done to prevent these evils? Crowns have been made hereditary in certain families, and an order of Succession established which prevents any dispute upon the death of Kings: That is to say that, by substituting the inconvenience of regencies for that of elections, apparent tranquillity came to be preferred to wise administration, and the risk of having

children, monsters, imbeciles for chiefs was preferred to having to dispute about the choice of good Kings; they failed to consider that by thus taking a chance on this alternative they stacked almost all the odds against themselves. It was a very sensible remark the Younger Dionysius made when his father, reproving him for a shameful action, said: "Did I set you such an example?" "Ah," the son replied, "your father was not a King!"

[12] Everything conspires to deprive a man brought up to command others of justice and reason. Great pains are taken, so they say, to teach young Princes the art of ruling; it does not appear that this education profits them. It would be better to begin by teaching them the art of obeying. The greatest Kings renowned in history were not brought up to rule; it is a science one never possesses less than after having learned it too well, and that one acquires better by obeying than by commanding. *The most practical and* [*412*] *shortest way to distinguish what is good and what is bad, is to consider what you would or would not have wished for under another Prince.*[*]

[13] One consequence of this lack of coherence is the instability of royal government which, following now one plan now another depending on the character of the ruling Prince or of those who rule for him, cannot have a fixed objective or a consistent policy for long: an instability that forever causes the State to drift from maxim to maxim, from project to project, and does not occur in the other Governments where the Prince is always the same. Indeed, generally speaking, while more cunning is found in Courts, there is more wisdom in a Senate, and that Republics pursue their goals in the light of more stable and more consistent policies, whereas every revolution in the [royal] Ministry produces a revolution in the State; for it is the common maxim of all Ministers and almost all Kings, in all things to do the opposite of whatever their predecessors did.

[14] This same incoherence also provides the solution to a sophism very familiar to royalist political thinkers [*politiques*]; namely, not only to compare civil Government to domestic Government and the Prince to the father of a family, a fallacy that has already been refuted, but also liberally to endow this

[*] Tacit[us], *Hist[ories]*, Bk. I.

magistrate with all the virtues he would need, and always to assume that the Prince is what he should be: an assumption with the help of which royal Government is clearly preferable to any other, because it is incontrovertibly the strongest, and all it lacks to be also the best is a corporate will more consistent with the general will.

[15] But if, according to Plato* a King by nature is such a rare person, how often will nature and fortune concur to crown him, and if a royal education necessarily corrupts those who receive it, what can be expected of a succession of men brought up to rule? It is therefore deliberate self-deception to confuse royal Government with that of a good King. In order to see what this Government is in itself, it has to be considered as it is under dull-witted or wicked Princes; for either that is what they will be when they accede to the throne, or it is what the throne will make them be.

[*413*] [16] These difficulties have not escaped our Authors, but they have not been troubled by them. The remedy, they say, is to obey without a murmur. God in his wrath sends bad Kings, and they must be endured as punishments from Heaven. This is unquestionably an edifying pronouncement; I only wonder whether it would not be more appropriate in the pulpit than in a book on politics. What would one say about a Physician who promised miracles, and whose entire art consisted in exhorting the sick to be patient? Everyone knows perfectly well that when there is a bad government it has to be put up with; the issue would be to find a good one.

Chapter VII
Of Mixed Governments

[1] Strictly speaking, there is no simple Government. A single Chief has to have subordinate Magistrates; a popular Government has to have a Chief. Thus in the distribution of executive power there is always a gradation from the larger to the smaller number,

* *Statesman*.

with this difference that sometimes the larger number depends on the smaller, and sometimes the smaller depends on the larger.

[2] At times the distribution is equal; either when the constituent parts are dependent on one another, as in the Government of England; or when the authority of each part is independent but imperfect, as in Poland. This latter form is bad because the Government lacks unity and the State lacks cohesion.

[3] Which is better, a simple or a mixed Government? The question is much debated by political men [*politiques*], and it should be given the same answer I gave above about every form of Government.

[4] In itself simple Government is best, just because it is simple. But when the executive Power is not sufficiently dependent on the legislative, that is to say when the ratio of Prince to Sovereign is greater than that of People to Prince, this lack of proportion has to be remedied [*414*] by dividing the Government; for while then its several parts do not have less authority over the subjects, their division weakens their combined force against the Sovereign.

[5] The same inconvenience can also be forestalled by establishing intermediate magistrates who, leaving the Government whole, merely serve to balance the two Powers and to uphold their respective rights. Then the Government is not mixed, it is tempered.

[6] Similar means can be used to remedy the opposite inconvenience, and when the Government is too slack, Tribunals can be set up to concentrate it. This is the practice in all Democracies. In the first case the Government is divided in order to weaken it, and in the second in order to reinforce it; for the maximum of force as well as of weakness is found in simple Governments, whereas mixed forms make for moderate force.

Chapter VIII
That Not Every Form of Government is Suited to Every Country

[1] Freedom, not being a fruit of every Clime, is not within the reach of every people. The more one meditates upon this principle established by Montesquieu, the more one senses its truth.

The more one challenges it, the more opportunities arise to establish it by new proofs.

[2] In all Governments of the world the public person consumes but produces nothing. Where, then, does it get the substance it consumes? From its members' labor. It is the surplus produced by the private parties that provides the public's necessities. Whence it follows that the civil state can subsist only as long as men's labor yields in excess of their needs.

[3] Now, this surplus is not the same in all countries of the world. In some it is considerable, in others moderate, in others nil, in others negative. [*415*] This relation depends on the fertility of the climate, the kind of labor the soil requires, the nature of its products, the strength of its inhabitants, the greater or lesser amount they need for their own consumption, and on various similar relations that go to make it up.

[4] On the other hand, not all Governments are of the same nature; some are more and some less greedy, and the differences between them are based on this other principle that the farther removed public contributions are from their source, the more burdensome they are. This burden should be measured not by the amount of taxes, but by how far they have to travel to return to the hands from which they came; when this circulation is prompt and efficient it does not matter whether one pays little or much; the people is always rich, and the finances are always in good order. By contrast, regardless of how little the People gives, if it never gets this little back, it is soon exhausted by always giving; the State is never rich, and the people is always destitute.

[5] From which it follows that the more the distance between the people and the Government increases, the more burdensome do taxes become: thus in Democracy the people is least burdened, in Aristocracy it is burdened more, in Monarchy it bears the greatest weight. Hence Monarchy is suited only to opulent nations, Aristocracy to States of moderate wealth and size, Democracy to small and poor States.

[6] Indeed the more one reflects on this, the greater does the difference one finds in this respect between free and monarchical States prove to be; in the former everything serves the public utility; in the latter, public and particular forces are reciprocal and the one increases by the other's weakening. Finally, despotism,

instead of governing subjects in order to make them happy, makes them miserable in order to govern them.

[7] Here then are some natural causes in every climate by which one can determine the form of Government toward which the force of the climate directs it, and even tell what kind of inhabitants it should have. Barren and sterile places where the yield is not worth the labor should be left uninhabited and deserted, or peopled only by Savages: Places where man's labor yields only the bare necessities should be inhabited by [*416*] barbarous peoples, since any polity would be impossible there: places where the excess of yield over labor is moderate suit free peoples; those where an abundant and fertile soil yields much product in return for little labor lend themselves to being governed monarchically, so that the Prince's luxury might consume the excess of the subjects' surplus; for it is better that this excess be absorbed by the government than squandered by private individuals. There are exceptions, I know; but these very exceptions confirm the rule in that sooner or later they produce revolutions which restore things to the order of nature.

[8] Let us always distinguish between general laws and the particular causes that can modify their effect. Even if the entire south were covered with Republics and the entire north with despotic States it would be no less true that, as regards the effect of climate, despotism suits warm countries, barbarism cold countries, and good polity intermediate regions. I do also see that one might grant the principle but question how it is applied: one might hold that some cold countries are extremely fertile, and some warm ones extremely barren. But this is a difficulty only for those who fail to look at the matter in all of its relations. It is necessary, as I have already said, to take into account the relations of labor, strengths, consumption, etc.

[9] Let us assume that one of two equal pieces of land yields five, the other ten. If the inhabitants of the first consume four, and of the second nine, the excess of the first yield will be 1/5 and that of the second 1/10. Since, then, the ratio of these two excesses is the inverse of that of their yields, the land that produces only five will yield a surplus double that of the land that produces ten.

[10] But getting double the yield is out of the question, and I do not believe that anyone would venture to maintain that in general

the fertility in cold countries is even equal to that in warm countries. However, let us assume this equality; let us equate, if you wish, England with Sicily, and Poland with Egypt. Farther south we will have Africa and the Indies, farther north we will have nothing more. For the sake of this equality in yield, what a difference in cultivation. In Sicily it is enough to scratch the soil; in England what efforts it takes to till it! Now, where [*417*] more hands are needed to get the same yield, the excess must necessarily be less.

[11] Consider, further, that the same number of people consume much less in warm countries. The climate there requires one to be moderate in order to stay healthy; Europeans who want to live there as they do at home all die of dysentery and indigestions: *We are*, says Chardin, *carnivorous beasts, wolves, by comparison to Asians. There are those who attribute the Persians' moderation to the fact that their country is less cultivated; and I believe, on the contrary, that their country is less abundant in foodstuffs because the inhabitants need fewer of them. If their frugality*, he goes on, *were an effect of the country's poverty, only the poor would eat little, whereas in general everyone does, and one would eat more or less in different provinces depending on the fertility of the land, whereas the same moderation is found throughout the Kingdom. They take great pride in their way of living, saying that one need only look at their complexion to see how much superior their way is to the christians'. Indeed, the Persians' complexion is clear; their skin is fair, delicate, smooth, whereas the complexion of the Armenians, their subjects, who live in the European manner, is coarse, blotchy, and their bodies are fat and heavy.*

[12] The closer one draws to the equator, the more do peoples live on little. They eat almost no meat; rice, maize, couscous, millet, cassava, are their ordinary diet. In the Indies there are millions of men whose food costs less than a penny a day. In Europe itself we notice sensible differences in appetite between the peoples of the north and those of the south. A Spaniard will live for a week on a German's dinner. In the countries where men are more voracious food also becomes an object of luxury. In England it is exhibited on tables laden with meats; in Italy you are regaled with sweets and flowers.

[13] Luxury in clothing also exhibits similar differences. In climates where the change of seasons is sudden and violent,

clothes are better and simpler, while in climates where people dress only for display they strive more for effect than for utility, the clothes themselves are objects of luxury. In Naples you will daily see men strolling along the Posilippo in gold-embroidered jackets and no hose. The same holds true regarding buildings; magnificence is the only consideration when there is no [*418*] damage to fear from the weather. In Paris, in London, one wants to be housed warmly and comfortably. In Madrid they have superb drawing rooms but no windows that close, and they sleep in rat-holes.

[14] Foods are far more substantial and succulent in warm countries; this is a third difference that cannot fail to influence the second. Why do they eat so many vegetables in Italy? Because they are good, nourishing, and extremely tasty: In France, where water is the vegetables' only nourishment they are not at all nourishing and count for almost nothing at meals. Yet they take up no less land, and require at least as much trouble to cultivate. It is a matter of experience that the wheats of Barbary yield much more flour than do those of France although they are inferior to them in other respects, and that French wheats in turn yield more than do those of the North. From which it may be inferred that a similar gradation generally obtains as one moves in the same direction from the equator to the pole. And is it not a manifest disadvantage to get a smaller amount of nourishment from an equal amount of produce?

[15] To all these various considerations I can add another that follows from them and reinforces them; it is that warm countries need inhabitants less than do cold countries, and yet could feed more of them; this produces a double surplus which invariably redounds to the advantage of despotism. The larger the area which a constant number of inhabitants occupy, the more difficult do revolts become; because it is impossible to take concerted action quickly or in secret, and it is always easy for the Government to get wind of plans and to cut off communications: but the closer together a numerous people draws the less can the Government encroach upon the Sovereign; chiefs deliberate as securely in their chambers as the Prince does in his council, and the crowd assembles as quickly in public squares as the troops do in their barracks. Hence great distances are, in this respect, to a tyrannical

Government's advantage. With the help of the outposts it sets up, its force increases with distance, like that of levers.* The people's force, by contrast, acts only when concen[*419*]trated, it evaporates and gets dissipated as it spreads, like the effect of gunpowder scattered on the ground and that ignites only grain by grain. The least populous countries are thus the most fit for Tyranny: wild beasts reign only in wildernesses.

Chapter IX
Of the Signs of a Good Government

[1] Hence the question which is absolutely the best Government does not admit of a solution because it is indeterminate: or, if you prefer, it has as many good solutions as there are possible combinations in the absolute and the relative conditions of peoples.

[2] But if one were to ask by what sign one might tell whether a given people is well or badly governed, it would be a different matter, and the question of fact could be resolved.

[3] Yet it is left unresolved, because everyone wants to resolve it in his own way. Subjects praise public tranquility, Citizens the freedom of individuals; one prefers security of possessions, and the other that of persons; one wants the best Government to be the most severe, the other maintains that it is the mildest; this one wants crimes to be punished, and that one wants them prevented; one thinks it a fine thing to be feared by neighbors, the other prefers to be ignored by them; one is satisfied when money circulates, the other demands that the people have bread. Even if one were to reach agreement on these and other similar points, would one be any better off? Since moral qualities lack a precise yardstick, even if there were agreement about the sign, how is agreement to be reached about gauging it?

* This does not contradict what I said above, Bk. II, ch. 9, about the inconveniences of large States; for there it was a question of the Government's authority over its members, and here it is a question of its force [*419*] against its subjects. Its scattered members serve it as fulcra for acting on the people at a distance, but it has no fulcrum for acting directly on these members themselves. Thus in the one case the length of the lever makes for its weakness, and in the other for its strength.

[4] For my own part, I am always astonished that people fail to recognize so simple a sign, or have the bad faith not to agree on it. What is the aim of the political association? [*420*] It is the preservation and prosperity of its members. And what is the surest sign that they are preserving themselves and prospering? It is their number and their population. Look no further, then, for this much disputed sign. All other things equal, the Government under which the Citizens, without resort to external means, without naturalizations, without colonies, propagate and prosper is without fail the best: that under which a people dwindles and wastes away is the worst. Calculators, it is now up to you: count, measure, compare.[*]

[*] The same principle should guide judgments as to which centuries deserve preference regarding the prosperity of humankind. People have too much admired those that have seen letters and the arts flourish, without inquiring into the secret object of their cultivation, without considering their fatal effect, *such was their ignorance that they called humanity what was a beginning of servitude*. Will we never see in the maxims of books the coarse interest that prompts their Authors to speak? No, regardless of what they may say, when for all of its brilliance a country is depopulated, then it is not true that all is well, and one poet's having an income of a hundred thousand pounds is not enough for his century to be the best of all. Less attention should be paid to apparent repose and the chiefs' tranquillity than to the well-being of entire nations and above all of the most numerous Estates. Hail may devastate a few cantons, but it rarely causes a famine. Riots, civil wars, greatly alarm leaders, but they do not make for the true miseries of peoples which may even experience some respite during the quarrels about who will tyrannize over them. Their real prosperities or calamities arise from their permanent state; it is when everything is crushed under the yoke that everything wastes away; that is when chiefs destroying them at their ease, *where they bring desolation, they call it peace*: When the squabbles of the Great caused turmoil in the Kingdom of France and the Cardinal Coadjutor attended Parliament with a dagger in his pocket, this did not keep the French people from living happy and numerous in honest and free well-being. Formerly Greece flourished amidst the most cruel wars; blood flowed freely, yet the entire country was covered with men. It seemed, says Machiavelli, that our Republic grew more powerful for being in the midst of murders, proscriptions, civil wars; its citizens' virtue, their morals, their independence did more to strengthen it than all its dissensions had done to weaken it. A little agitation energizes souls, and what causes the species truly to prosper is not so much peace as freedom.

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Chapter X
Of the Abuse of Government and of its Tendency to Degenerate

[1] Just as the particular will acts against the general will without let up, so the Government makes a continual effort against Sovereignty. The greater this effort grows, the more adulterated does the constitution get, and since there is here no other corporate will to resist and so to counter-poise the will of the Prince, it must sooner or later come to pass that the Prince ends up oppressing the Sovereign and breaking the Social treaty. This is the inherent and inevitable vice which relentlessly tends to destroy the body politic from the moment of its birth, just as old age and death destroy man's body.

[2] There are two general ways in which a Government degenerates, namely when it contracts, or when the state dissolves.

[3] The Government contracts when it goes from a large to a small number, that is to say from Democracy to Aristocracy, and from Aristocracy to Kingship. This is its natural tendency.* If it

* The slow formation and the progress of the Republic of Venice in its lagoons offers a notable example of this sequence: and it is rather astonishing that for more than twelve hundred years the Venetians seem still to be only at the second stage, which began with the Serrar di Consiglio in 1198. As for the ancient Doges who are said to contradict this sequence, it has been proved that, regardless of what the *squittino della libertà veneta* may say about them, they were not the Venetians' Sovereigns.

People will not fail to cite in objection to me the Roman Republic whose progression, they will say, followed a directly opposite course, moving from monarchy to Aristocracy, and from Aristocracy to Democracy. I am very far from thinking of it in this way.

Romulus's initial establishment was a mixed Government which promptly degenerated into Despotism. Due to some special causes, the State perished prematurely, just as a newborn sometimes dies before reaching manhood. The expulsion of the Tarquins was the genuine period of the Republic's birth. But it did not assume a stable form from the first, because the failure to abolish the patriciate left the work only half done. For since in [*422*] this way the hereditary Aristocracy, which is the worst of legitimate administrations, remained in conflict with the Democracy, the form of the Government, forever uncertain and unstable was, as Machiavelli has proved, not settled until the establishment of the Tribunes; only then was there a true Government and a genuine Democracy. Indeed, the people was then not only Sovereign, but also magistrate and judge, the Senate was no more than a subordinate tribunal to temper or to concentrate the Government, and even the Consuls, although Patricians, although the first Magistrates, although absolute Generals in war, were in Rome no more than the people's presiding officers.

were to retrogress from the small to [*422*] the large number, it might be said to slacken, but this reverse progression is impossible.

[4] Indeed, a Government never changes its form except when its worn-out mainspring leaves it too weak to preserve the form it has. Now if it were to expand, it would grow even more slack, its force would become altogether nil, and it would be even less likely to subsist. Hence what has to be done is to rewind and tighten the mainspring in proportion as it gives way, otherwise the State which it upholds would fall into ruin.

[5] The dissolution of the State may come about in two ways.

[6] First when the Prince no longer administers the State according to the laws and usurps the sovereign power. Then a remarkable change occurs; namely, it is not the Government, but the State that contracts; I mean that the large State dissolves and another is formed within it, composed solely of the members of the Government, and which is no longer anything to the rest of the People but its master and its tyrant. So that the moment [*423*] the Government usurps the sovereignty, the social pact is broken, and all ordinary Citizens, restored by right to their natural freedom, are forced but not obligated to obey.

[7] Dissolution of the State also comes about when the members of the Government severally usurp the power they ought to exercise only as a body; which is no less serious an infraction of the laws, and produces even greater disorder. There then are, so to speak, as many Princes as there are Magistrates, and the State, no less divided than the Government, either perishes or changes its form.

From that time on the Government was also seen to follow its natural inclination and to tend strongly toward Aristocracy. With the Patriciate abolishing itself as if on its own, the Aristocracy no longer resided in the body of Patricians as it does in Venice and in Genoa, but in the body of the Senate which was composed of both Patricians and Plebeians, and even in the body of the Tribunes once they began to usurp active power: for words do not change things, and when the people has chiefs who govern on its behalf then, regardless of what these chiefs are called, it is still an Aristocracy.

From the abuse of the Aristocracy arose the civil wars and the Triumvirate. Sulla, Julius Caesar, Augustus became genuine Monarchs in fact, and finally under Tiberius's Despotism the State was dissolved. Roman history thus does not disprove my principle; it confirms it.

[8] When the State dissolves, any abuse of Government whatsoever takes the general name of *anarchy*. To distinguish, Democracy degenerates into *Ochlocracy*, Aristocracy into *Oligarchy*; I would add that Kingship degenerates into *Tyranny*, but this last term is equivocal and calls for explanation.

[9] In the vulgar sense of the term, a Tyrant is a King who governs with violence and without regard for justice and the laws. In the precise sense of the term, a Tyrant is an individual who arrogates the royal authority to himself without the right to it. That is how the Greeks understood the word Tyrant: they gave it indifferently to good as well as to bad Princes whose authority was not legitimate.* Thus *tyrant* and *usurper* are two strictly synonymous terms.

[10] In order to give different names to different things I call *Tyrant* the usurper of the royal authority, and *Despot* the usurper of the Sovereign power. The Tyrant is one who insinuates himself contrary to the laws and governs according to the laws; the Despot who puts himself above even the laws. Thus a Tyrant may not be a despot, but a Despot is always a Tyrant.

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Chapter XI
Of The Death of the Body Politic

[1] Such is the natural and inevitable tendency of the best constituted Governments. If Sparta and Rome perished, what State can hope to last forever? If we want to form a lasting establishment, let us therefore not dream of making it eternal. In order to succeed one must not attempt the impossible, nor flatter oneself to believe that the work of men can be endowed with a solidity that human things do not admit of.

* "For all those are called and considered tyrants who exercise perpetual power in a city accustomed to freedom." Corn[elius] Nep[os], *Life of Miltiades*: It is true that Aristotle, *Nicom[achean] Eth[ics]*, Bk. VIII, ch. 10 [1060b 1–3] distinguishes between Tyrant and King in that the first governs for his own advantage and the second solely for his subjects' advantage; but besides the fact that generally all Greek authors used the word Tyrant in a different sense as is apparent above all from Xenophon's *Hiero*, it would follow from Aristotle's distinction that there had never yet existed a single King since the beginning of the world.

[2] The body politic, like the human body, begins to die from the moment of its birth and carries within itself the causes of its destruction. But both can have a constitution that is more or less robust and suited to preserve it for a longer or shorter time. The constitution of man is the work of nature, that of the State is the work of art. While it is not within men's capacity to prolong their own life, it is within their capacity to prolong the life of the State as much as possible by giving it the best constitution it can have. Even the best constituted State will end, but later than another if no unforeseen accident brings about its doom before its time.

[3] The principle of political life resides in the Sovereign authority. The legislative power is the heart of the State, the executive power is its brain, which gives movement to all the parts. The brain may become paralyzed and the individual still live. A man can remain imbecile and live: but as soon as the heart has stopped to function, the animal is dead.

[4] The State does not subsist by the laws but by the legislative power. Yesterday's law does not obligate today, but tacit consent is presumed from silence, and the Sovereign is assumed to be constantly confirming the laws which it does not repeal when it can do so. Everything it has once declared it wills, it continues to will unless it revokes it.

[5] Why, then, are ancient laws accorded so much respect? For this very reason. People should believe that nothing [*425*] but the excellence of the ancient wills could have preserved them for so long; if the Sovereign had not consistently recognized them as salutary it would have revoked them a thousand times over. This is why the laws, far from growing weaker, constantly acquire new force in every well-constituted State; the prejudice in favor of antiquity renders them daily more venerable; whereas wherever the laws grow weaker as they grow older, it is proof that there is no longer any legislative power and that the State is no longer alive.

Chapter XII
How the Sovereign Authority is Maintained

[1] Since the Sovereign has no force other than the legislative power, it acts only by means of the laws, and since the laws are

nothing but authentic acts of the general will, the Sovereign can act only when the people is assembled. The people assembled, it will be said! What a chimera! It is a chimera today, but it was not one two thousand years ago: Has men's nature changed?

[2] The limits of the possible in moral matters are less narrow than we think: It is our weaknesses, our vices, our prejudices that shrink them. Base souls do not believe in great men: vile slaves smile mockingly at the word freedom.

[3] Let us consider what can be done in the light of what has been done; I will not speak of the ancient republics of Greece, but the Roman Republic was, it seems to me, a large State, and the city of Rome a large city. The last census recorded four hundred thousand Citizens bearing arms in Rome, and the last count of the Empire more than four million Citizens, not counting subjects, foreigners, women, children, slaves.

[4] What difficulty might not be imagined about frequently assembling the immense population of this capital and its environs? Yet few weeks went by without the Roman people being assembled, and even several times. It exercised not only the rights of sove[*426*]reignty, but a part of those of Government as well. It dealt with some business, tried some cases, and in the public square this entire people was magistrate nearly as often as it was Citizen.

[5] Going back to the earliest times of Nations, most ancient Governments, even monarchical ones like those of the Macedonians and the Franks, would be found to have had similar Councils. Be that as it may, this one indisputable fact alone disposes of all difficulties: The inference from what is to what is possible seems to me sound.

Chapter XIII
Continued

[1] It is not enough for the people assembled to have once settled the State's constitution by ratifying a body of laws: it is not enough for it to have established a perpetual Government or to have provided once and for all for the election of magistrates. In addition to the extraordinary assemblies that unforeseen

circumstances may require, there ought to be regular and periodic ones that nothing can abolish or defer, so that on the appointed day the people is legitimately convened by law without need of any further formal summons.

[2] But except for these assemblies that are lawful by their date alone, any assembly of the People not summoned by the magistrates appointed for this purpose and in accordance with the prescribed forms has to be held to be illegitimate and everything done at it to be null; because the order to assemble has itself to emanate from the law.

[3] As to whether legitimate assemblies should meet more or less frequently, this depends on so many considerations that it is impossible to give precise rules about it. All that can be said about it in general is that the greater the force of the Government, the more frequently ought the Sovereign to play its part.

[4] I will be told that this may be good for a single city; but what should be done when the State includes several of them? [*427*] Should the Sovereign authority be shared, or should it be concentrated in a single city and all the others subjected to it?

[5] I reply that neither should be done. First, the Sovereign authority is simple and single, and it cannot be divided without being destroyed. In the second place, a city can no more be legitimately subjected to another than a Nation can be, because the essence of the body politic consists in the concurrence of obedience and freedom, and that the words *subject* and *sovereign* are identical correlatives whose idea is combined in the single word Citizen.

[6] I reply further that it is always an evil to unite several cities into a single City, and anyone who wants to bring about such a union should not flatter himself that he can avoid its natural inconveniences. The abuse of large States should not be urged as an objection to someone who wants only small ones: but how are small States to be given enough force to resist large ones? In the same way that formerly the Greek cities resisted the great King, and more recently Holland and Switzerland resisted the House of Austria.

[7] However, if the State cannot be contained within just bounds there remains one recourse; it is not to allow it a capital, to convene the Government alternately in each city as well as to convene the country's Estates in each of them in turn.

[8] Populate the territory evenly, extend the same rights throughout it, spread abundance and life throughout it, this is how the State will become both the strongest and the best governed possible. Remember that city walls are only built with the wreckage of farms. For each Palace I see rise in the capital, I seem to see an entire countryside reduced to hovels.

Chapter XIV
Continued

[1] The moment the People is legitimately assembled as a Sovereign body, all jurisdiction of the Government ceases, the executive power is suspended, and the [*428*] person of the least Citizen is as sacred and inviolable as that of the first Magistrate, because where the Represented is, there no longer is a Representative. Most of the commotions that arose in the comitia in Rome were due to ignorance or neglect of this rule. On those occasions the Consuls were nothing but the Presidents of the People, the Tribunes were mere Speakers,* the Senate was nothing at all.

[2] These intervals of suspension of the Government's powers when the Prince recognizes or has to recognize an actual superior, have always been threatening to it, and these assemblies of the people that are the shield of the body politic and the curb of Government, have at all times been the dread of chiefs: indeed they never spare efforts, or objections, or obstacles, or promises to turn Citizens against them. When the Citizens are greedy, cowardly, pusillanimous, more enamored of tranquillity than of freedom, they do not hold out for long against the Government's redoubled efforts; this is how, as the resisting force steadily increases, the Sovereign authority finally gives way, and most Cities fall and perish before their time.

[3] But sometimes a power inserts itself between Sovereign authority and arbitrary Government, which has to be discussed.

* Approximately in the sense given to this term in the English Parliament. The similarity between these functions would have led to conflicts between the Consuls and the Tribunes even if all jurisdiction had been suspended.

Chapter XV
Of Deputies or Representatives

[1] Once public service ceases to be the Citizens' principal concern and they prefer to serve with their purse rather than with their person, the State is already close to its ruin. Is there a call to battle? they pay troops and stay home; is there a summons to Council? they name Deputies and stay home. By dint of [*429*] laziness and money they eventually have soldiers to enslave the fatherland and representatives to sell it.

[2] It is the hustle and bustle of commerce and the arts, it is the avid pursuit of gain, it is the softness and love of comforts that change personal services into money. One gives up a portion of one's profit in order to increase it at one's leisure. Give money, and soon you will have chains. The word *finance* is a slave's word; it is unknown in the City. In a truly free State the citizens do everything with their hands and nothing with money: Far from paying to be exempted from their duties, they would pay to fulfill them themselves. I am very far from the commonly held ideas; I believe that corvées are less at odds with freedom than taxes.

[3] The better constituted the State, the more does the public business take precedence over private business in the Citizens' minds. There even is much less private business, because, since the sum of the common happiness contributes a greater share to each individual's happiness, he needs to seek less of it in particular pursuits. In a well-run city everyone flies to the assemblies; under a bad Government no one likes to take a step to go to them; because no one takes an interest in what is done there, because it is predictable that the general will will not prevail in them, and finally because domestic business is all-absorbing. Good laws lead to making better ones, bad laws bring about worse ones. As soon as someone says *What do I care?* about the affairs of State, the State has to be considered lost.

[4] The cooling of the love of fatherland, the activity of private interest, the immensity of States, conquests, the abuse of Government, have led people to devise the expedient of Deputies or Representatives of the people in the Nation`s assemblies. This is what in some countries they dare to call the Third

Estate. Thus the private interest of two orders is assigned first and second place, the public interest only third place.

[5] Sovereignty cannot be represented for the same reason that it cannot be alienated; it consists in its very essence in the general will, and the will does not admit of being represented: either it is the same or it is different; there is no middle ground. The people's deputies therefore are not and cannot be its representatives, they are merely [*430*] its agents; they cannot conclude anything definitively. Any law the People has not ratified in person is null; it is not a law. The English people thinks it is free; it is greatly mistaken, it is free only during the election of the members of Parliament; as soon as they are elected, it is enslaved, it is nothing. The use it makes of its freedom during the brief moments it has it, fully warrants its losing it.

[6] The idea of Representatives is modern: it comes to us from feudal Government, that iniquitous and absurd Government in which the human species is degraded, and the name of man dishonored. In ancient Republics and even in monarchies, the People never had representatives; the very word was unknown. It is quite striking that in Rome, where the Tribunes were so sacred, no one ever so much as imagined that they might usurp the functions of the people, and that in the midst of such a great multitude they never attempted to pass a single Plebiscite on their own authority alone. Yet the trouble the many sometimes caused may be judged by what happened at the time of the Gracchi, when a portion of the Citizenry voted from the rooftops.

[7] Where right and freedom are everything, inconveniences are nothing. Among this wise people, everything was given its just due: it allowed its Lictors to do what its Tribunes would not have dared to do; it did not fear that its Lictors would want to represent it.

[8] However, in order to explain how the Tribunes did sometimes represent the people, one need only consider how the Government represents the Sovereign. Since law is nothing but the declaration of the general will, it is clear that the People's Legislative power cannot be represented; but it can and must be represented in its executive power, which is nothing but force applied to Law. This shows that, upon closer examination, very few Nations would be found to have laws. Be that as it may, it is certain that the Tribunes, being no part of the executive power,

could never represent the Roman people by the rights of their own office but only by encroaching on the rights of the Senate.

[9] Among the Greeks, everything the People had to do it did by itself; it was constantly assembled in the public square. It lived in a mild climate, it was not greedy, [*431*] slaves did its work, its chief business was its freedom. No longer having the same advantages, how are the same rights to be preserved? Your harsher climates make for more needs,* six months of the year the public square is unbearable, your muted languages cannot make themselves heard in the open, you care more for your gain than for your freedom, and you fear slavery much less than you do poverty.

[10] What! Freedom can only be maintained with the help of servitude? Perhaps. The two extremes meet. Everything that is not in nature has its inconveniences, and civil society more than all the rest. In some unfortunate circumstances one can preserve one's own freedom only at the expense of someone else's, and the Citizen can be perfectly free only if the slave is utterly enslaved. Such was the situation of Sparta. As for you, modern peoples, you have no slaves, but are yourselves slaves; you pay for their freedom with your own. Well may you boast of this preference; I find in it more cowardice than humanity.

[11] I do not mean by all this that it is necessary to have slaves or that the right of slavery is legitimate, since I have proved the contrary. I simply state the reasons why modern peoples that believe themselves free have representatives, and why ancient peoples did not have them. Be that as it may, the instant a People gives itself Representatives, it no longer is free; it no longer is.

[12] All things considered, I do not see that it is henceforth possible among us for the Sovereign to preserve the exercise of its rights unless the City is very small. But if it is very small, will it not be subjugated? No. I will show below** how the external power of a great People can be combined with the simple administration and the good order of a small State.

* To adopt in cold climates the luxury and softness of the orientals is to choose to take on their chains; it is to submit to them even more necessarily than do they.

** This is what I had planned to do in the sequel to this work when, in dealing with foreign relations, I would have come to confederations. The subject is entirely new and its principles have yet to be established.

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Chapter XVI
That the Institution of the Government Is not a Contract

[1] Once the Legislative power is well established, it remains also to establish the executive power; for they are essentially different and naturally separate from one another: the executive acts only by individual deeds. If the Sovereign, considered as such, could exercise the executive power, right and fact would be so utterly confounded that it would no longer be possible to tell what is and what is not law, and the body politic thus denatured would soon fall prey to the violence against which it was instituted.

[2] Since the Citizens are all equal by the social contract, all may prescribe what all ought to do, whereas no one has the right to require that another do something he himself does not do. Now it is specifically this right, indispensable for endowing the body politic with life and motion, that the Sovereign gives the Prince by instituting the Government.

[3] Some have claimed that this act of establishing Government is a contract between the People and the chiefs it gives itself; a contract stipulating for the two parties the conditions under which the one obligated itself to command, and the other to obey. Everyone will agree, I am sure, that this is a strange way of contracting! But let us see whether this opinion is tenable.

[4] First, the supreme authority can no more be modified than it can be alienated, to limit it is to destroy it. It is absurd and contradictory for the Sovereign to give itself a superior; to obligate oneself to obey a master is to return to one's full freedom.

[5] Moreover, it is clear that this contract of the people with specific persons would be a particular act. From which it follows that this contract could not be a law or an act of sovereignty, and would therefore be illegitimate.

[6] It is further evident that, with respect to one another, the contracting parties would be under the law of nature alone and without any guarantor [*433*] of their reciprocal engagements, which is in every way incompatible with the civil state: Since whoever is in possession of force is invariably master of how it is

used, one might as well call contract the action of one man's saying to another, "I give you everything I own on condition that you give me back as much of it as you please."

[7] There is only one contract in the State, the contract of association; and it, by itself alone, excludes any other. It is impossible to imagine a public Contract that would not be a violation of the first one.

Chapter XVII
Of the Institution of Government

[1] What, then, is the idea in the light of which the act by which Government is instituted should be understood? I begin by noting that this act is complex or composed of two others, namely establishing the law and executing it.

[2] By the first, the Sovereign decrees that a Government as a body of this or that form will be established; and this act is clearly a law.

[3] By the second, the People appoints the chiefs who will be put in charge of the Government that has been established. Now since this appointment is a particular act it is not a second law but merely a consequence of the first and a function of Government.

[4] The difficulty consists in understanding how there can be an act of Government before there is a Government, and how the People, which is only either Sovereign or subject can, under certain circumstances, become Prince or Magistrate.

[5] Here again is revealed one of those astonishing properties of the body politic by which it reconciles apparently contradictory operations. For this reconciliation is accomplished by a sudden conversion of Sovereignty into Democracy; so that without any perceptible change, and simply by a new relation of all to [*434*] all, the Citizens, having become Magistrates, pass from general to particular acts, and from the law to its implementation.

[6] This change in relationship is not some speculative subtlety without any example in practice: It takes place daily in the English Parliament where the lower House on certain occasions turns itself into a Committee of the whole, the better to discuss business, and thus becomes a simple commission in place of the Sovereign

Court it had been the moment before; so that it then reports to itself in its capacity as the House of Commons on what it had just settled as a Committee of the whole, and deliberates anew under one name about what it has already resolved under another.

[7] Such is the distinctive advantage of Democratic Government that it can be established in fact by a simple act of the general will. After which this provisional Government either remains in office if such is the form that is adopted, or it establishes in the name of the Sovereign the Government prescribed by the law, and everything is thus in order. It is not possible to institute the Government in any other legitimate way without renouncing the principles established above.

Chapter XVIII
One Way of Preventing the Usurpations by the Government

[1] From these clarifications it follows, in confirmation of chapter XVI, that the act that institutes Government is not a contract but a Law, that the trustees of the executive power are not the people's masters but its officers, that it can appoint or dismiss them whenever it pleases, that it is not a question of their being in a contractual relation but of their obeying, and that in assuming the charges which the State imposes on them they are only fulfilling their duty as Citizens without having any right whatsoever to challenge its terms.

[2] Thus when the People happen to institute a hereditary Government, either monarchical within one [*435*] family, or aristocratic within one order of Citizens, this is not an engagement it enters into; it is a provisional form it gives to the administration until such time as it pleases it to order it differently.

[3] It is true that these changes are always dangerous, and that an established Government should never be touched unless it becomes incompatible with the public good; but this caution is a maxim of politics and not a rule of right, and the State is no more bound to leave the civil authority to its [current] chiefs, than it is to leave the military authority to its [current] generals.

[4] It is further true that in such a case one cannot be too careful about observing all the requisite formalities to distinguish a regular and legitimate act from a seditious tumult, and the will of an entire people from the clamors of a faction. It is above all in such cases that no more should be conceded to the *cas odieux* than what cannot be denied it by right strictly understood, and it is also from this obligation that the Prince derives a great advantage in preserving its power in spite of the people, without its being possible to say that it has usurped this power: For in appearing to use only its rights, the Prince can very easily expand them and, on the pretext of public tranquillity, prevent assemblies intended to restore good order; so that it takes advantage either of a silence it prevents from being broken or of the irregularities it causes to be committed, to presume that the forbearance of those whom fear has silenced favors it, and to punish those who dare to speak. This is how the Decimvirs, after first having been elected for one year and then renewed for another year, tried to hold on to their power in perpetuity by no longer permitting the comitia to meet; and it is by this simple means that all governments of the world, once they are invested with the public force, sooner or later usurp the Sovereign authority.

[5] The periodic assemblies of which I have spoken above are designed to forestall or to delay this misfortune, above all if they do not require formal convocation: for then the Prince could not prevent them without openly declaring itself a violator of the laws and an enemy of the State.

[6] These assemblies, which have no other object than to maintain the social treaty, ought always to open with two motions which it should be impossible ever to omit, and which ought to be voted on separately:

[*436*] [7] The first; *whether it pleases the Sovereign to retain the present form of Government*.

[8] The second; *whether it please the People to leave its administration [entrusted] to those who are currently charged with it*.

[9] I assume here what I believe I have demonstrated, namely that there is no fundamental law in the State that cannot be revoked, not even the social pact; for if all the Citizens were to assemble in order to break this pact by a common accord, there can

be no doubt that it would most legitimately be broken. Grotius even thinks that everyone can renounce the State of which he is a member and recover his natural freedom and his goods on leaving the country.* Now it would be absurd if all the Citizens united could not do what each one of them can do separately.

* It being understood that one does not leave in order to evade one's duty and to avoid serving the fatherland when it needs us. In such cases flight would be criminal and punishable; it would no longer be departure but desertion.

[*437*]

Book IV

Chapter I
That the General Will Is Indestructible

[1] So long as a number of men united consider themselves as a single body, they have but a single will regarding the common preservation and the general welfare. Then all the springs of the State are vigorous and simple, its maxims are clear and luminous, it has no confused, contradictory interests, the common good is everywhere fully evident and requires only good sense to be perceived. Peace, unity, equality are enemies of political subtleties. Upright and simple men are difficult to deceive because of their simplicity, they are not taken in by sham and special pleading; they are not even clever enough to be dupes. When, among the happiest people in the world, troops of peasants are seen attending to affairs of State beneath an oak and always acting wisely, can one help feeling contempt for the refinements of the other nations that make themselves illustrious and miserable with so much art and mysteries?

[2] A State so governed needs very few Laws, and to the extent that it becomes necessary to promulgate new ones, this necessity is universally recognized. The first person to propose them only states what everyone has already sensed, and there is no occasion for intrigues or eloquence to secure passage into law what each has already resolved to do as soon as he was certain that the others will do so as well.

[3] What misleads ratiocinators is that since they only see States that are badly constituted from the first, they are struck [*438*] by the impossibility of maintaining such a polity in them. They laugh as they imagine all the nonsense of which a clever knave or an insinuating speaker could persuade the people of Paris or London. They do not know that Cromwell would have been sentenced to hard labor by the people of Bern, and the Duc de Beaufort to reformatory by the Genevans.

[4] But when the social knot begins to slacken and the State to grow weak; when private interests begin to make themselves felt

and small societies to influence the large one, the common interest gets diluted and meets opposition, votes are no longer unanimous, the general will is no longer the will of all, contradictions and disagreements arise, and the best opinion no longer carries the day unchallenged.

[5] Finally, when the State close to ruin subsists only in an illusory and vain form, when the social bond is severed in all hearts, when the basest interest brazenly assumes the sacred name of the public good; then the general will grows mute, everyone, prompted by secret motives, no longer adopts opinions in his capacity as Citizen anymore than if the State had never existed, and iniquitous decrees with no other end in view than private interest are falsely passed under the name of Laws.

[6] Does it follow that the general will is annihilated or corrupted? No, it is always constant, unalterable, and pure; but it is subordinated to others that prevail over it. Each person, in detaching his interest from the common interest, sees clearly enough that he cannot separate them entirely, but his share of the public evil seems to him as nothing compared to the exclusive good he seeks to make his own. Except for this particular good, he wills the public good in his own interest just as strongly as anyone else. Even in selling his vote for money he does not extinguish the general will within himself, he evades it. The mistake he commits is to change the state of the question, and to answer something other than what he is asked: So that instead of saying with his vote, *it is advantageous to the State*, he says, *it is advantageous to this man or to this party that this or that opinion pass.* Thus the law of public order in assemblies consists not so much in upholding the general will in them, as in seeing to it that the general will is always consulted and that it always answers.

[7] I could offer quite a few reflections here on the simple [*439*] right to vote in every act of sovereignty; a right of which nothing can deprive Citizens; and on the right to voice an opinion, proposing, dividing, discussing motions which the Government always takes great care to allow only to its members; but this important matter would require a separate treatise, and I cannot say everything in this one.

Chapter II
On Voting

[1] It is clear from the previous chapter that the way in which general business is transacted can provide a fairly reliable clue to the current state of morals and the health of the body politic. The more concord reigns in assemblies, that is to say the closer opinions approach unanimity, the more the general will also predominates; but long debates, dissensions, disturbances, signal the ascendance of particular interests and the decline of the State.

[2] This appears less evident when the State's constitution is made up of two or more orders, as in Rome it was by the Patricians and the Plebeians, whose quarrels often disturbed the comitia even in the best times of the Republic; but this exception is more apparent than real; for by the vice inherent to the body politic there then are, so to speak, two States in one; what does not hold of the two together, does hold of each separately. And indeed even in the stormiest times, when the Senate did not interfere, the people's plebiscites always proceeded calmly and by a large majority: The Citizens having but one interest, the people had but one will.

[3] At the other end of the circle, unanimity returns. That is when the citizens, sunk into servitude, no longer have either freedom or will. Then fear and flattery turn voting into acclamations; they no longer deliberate, they worship or they curse. Such was the vile manner in which the Senate expressed opinions under the Emperors. Sometimes it did so with ridiculous precautions: Tacitus notes that under Otho the Senators heaping execration on Vitellius, took care at the same time to make a frightful noise [*440*] so that if by chance he were to become master, he could not tell what any one of them had said.

[4] From these various considerations arise the maxims that should regulate how votes are counted and opinions compared, according to whether the general will is more or less easy to know, and the State more or less in decline.

[5] There is only one law that by its nature requires unanimous consent. It is the social pact: for the civil association is the most voluntary act in the world; since every man is born free and master of himself, no one may, on any pretext whatsoever, subjugate him

without his consent. To decide that the son of a slave is born a slave is to decide that he is not born a man.

[6] If, then, at the time of the social pact there are some who oppose it, their opposition does not invalidate the contract, it only keeps them from being included in it; they are foreigners among the Citizens. Once the State is instituted, consent consists in residence; to dwell in the territory is to submit to the sovereignty.*

[7] Except for this primitive contract, the vote of the majority always obligates all the rest; this is a consequence of the contract itself. However, the question arises, how a man can be both free and forced to conform to wills that are not his own. How are those who oppose them both free and subject to laws to which they have not consented?

[8] I reply that the question is badly framed. The Citizen consents to all the laws, even to those passed in spite of him, and even to those that punish him when he dares to violate one of them. The steady will of all the members of the State is the general will; it is by it that they are citizens and free.** When a law is proposed [*441*] in the People's assembly, what they are being asked is not exactly whether they approve the proposal or reject it, but whether it does or does not conform to the general will that is theirs; everyone states his opinion about this by casting his ballot, and the tally of the votes yields the declaration of the general will. Therefore when the opinion contrary to my own prevails, it proves nothing more than that I made a mistake and that what I took to be the general will was not it. If my personal opinion had prevailed, I would have done something other than what I had willed, and it is then that I would not have been free.

[9] This presupposes, it is true, that all the characteristics of the general will are still in the majority: once they no longer are, then, regardless of which side one takes, there is no longer any freedom.

* This should always be understood to refer to a free State; for elsewhere family, goods, the lack of refuge, necessity, violence, may keep an inhabitant in the country in spite of himself, and then his mere residence no longer implies his consent to the contract or to its violation.

** In Genoa the word *Libertas* can be read on the front of the prisons and on the chains of galley-slaves. This use of the motto is fine and just. Indeed it is only the evildoers from all social strata who keep the Citizens from being free. A country where all such people were in the Galleys would enjoy the most perfect freedom.

[10] When earlier I showed how particular wills replaced the general will in public deliberations, I indicated clearly enough the practicable ways to prevent this abuse; I will have more to say on this subject later. As for the proportion of votes needed to declare the general will, I have also provided the principles by which it can be ascertained. The difference of a single vote breaks a tie, a single opposing vote destroys unanimity; but between unanimity and a tie there are various qualified majorities at any one of which this proportion can be set, taking account of the state and the needs of the body politic.

[11] Two general maxims can help to regulate these ratios: one, that the more important and serious the deliberations are, the more nearly unanimous should be the opinion that prevails; the other, that the more promptly the business at hand has to be resolved, the narrower should be the prescribed difference in weighting opinions; in deliberations that have to be concluded straightaway a majority of a single vote should suffice. The first of these maxims appears better suited to Laws, the second to business. Be that as it may, it is by a combination of these two maxims that the best ratios for a deciding majority can be determined.

[*442*]

Chapter III
Of Elections

[1] With regard to the elections of the Prince and the Magistrates, which are, as I have said, complex acts, there are two ways to proceed; namely, by choice or by drawing lots. Both have been used in various Republics, and a very complicated mixture of the two can still be found at present in the election of the Doge of Venice.

[2] *Voting by drawing lots*, says Montesquieu, *is in the nature of Democracy*. I agree, but how is it so? *Drawing lots*, he goes on, *is a way of electing that does not distress anyone; it leaves every Citizen a reasonable hope of serving the fatherland*. These are not reasons.

[3] Keeping in mind that the election of chiefs is a function of Government and not of Sovereignty, it will be evident why

election by drawing lots is more in the nature of Democracy, where administration is better in proportion as its actions are fewer in number.

[4] In every genuine Democracy magistracy is not a favor but an onerous burden that cannot be justly imposed on one individual rather than another. Only the law can impose this burden on the one on whom it falls by lot. For since then the condition is equal for everyone and the choice does not depend on a human will, no particular outcome corrupts the universality of the law.

[5] In Aristocracy the Prince chooses the Prince, the Government perpetuates itself by itself, and this is where voting is indicated.

[6] The example of the election of the Doge of Venice, far from invalidating this distinction, confirms it: This mixed form is appropriate in a mixed Government. For it is an error to take the Government of Venice for a genuine Aristocracy. While the People has no share in its Government, the nobility itself is the people there. A host of poor Barnabites never came close to any magistracy, and all they get for being noble is the empty [*443*] title of Excellency and the right to attend the grand Council. Since this grand Council is as numerous as our general Council in Geneva, its illustrious members have no more privileges than do our simple Citizens. It is certain that, setting aside the great disparity between the two Republics, the Genevan bourgeoisie corresponds precisely to the Venetian Patriciate, our natives and inhabitants correspond to the Townsmen and the people of Venice, and our peasants to the mainland subjects; in sum, however one considers this Republic, apart from its size, its Government is no more aristocratic than is ours. The entire difference is that since we have no chiefs for life, we have not the same need for election by drawing lots.

[7] Elections by lot would entail few inconveniences in a genuine Democracy where everything is as equal by morals and talents as by maxims and fortune, because choice would make almost no difference. But I have already said that there is no genuine Democracy.

[8] Where election by choice and election by drawing lots are combined, choice should fill the positions that require specific talents, such as military offices; drawing lots is suited for the positions for which it is enough to have good sense, justice,

integrity, such as judicial responsibilities, because in a well-constituted State these qualities are common to all Citizens.

[9] Neither drawing lots nor voting has any place in a monarchical Government. Since the Monarch is by right the sole Prince and the only Magistrate, the choice of his lieutenants is his alone. When the Abbé de St. Pierre suggested multiplying the Councils of the King of France and electing their members by Ballot, he did not realize he was suggesting to change the form of the Government.

[10] It would remain for me to speak about how to cast and to collect the votes in the people's assembly; but perhaps the history of Roman policy in this matter will explain more concretely all the maxims I might establish. It is not unworthy of a judicious reader to consider in some detail how public and private business was conducted in a Council of two hundred thousand men.

[*444*]

Chapter IV
Of the Roman Comitia

[1] We have no really reliable records of the earliest times of Rome; it is even very likely that most of what is retailed about them are fables;* and in general the most instructive part of the annals of peoples, which is the history of their establishment, is the part we most lack. Experience daily teaches us what causes give rise to the revolutions of empires; but since peoples are no longer being formed, we have little more than conjectures to explain how they were formed.

[2] Established customs or ways at least attest to their having had an origin. Among the traditions that go back to these origins, the ones which the greatest authorities support and the strongest reasons confirm should be regarded as the most certain. These are the maxims I have tried to follow in inquiring how the freest and most powerful people on earth exercised its supreme power.

* The name *Rome*, which is said to derive from *Romulus*, is Greek and means *force*; the name *Numa* is also Greek, and means *Law*. How likely is it that the two first Kings of that city would have borne in anticipation names so appropriate to what they did?

[3] After the founding of Rome, the nascent Republic, that is to say the founder's army, made up of Albans, Sabines, and foreigners was divided into three classes which, from this division, took the name *Tribes*. Each one of these Tribes was subdivided into ten Curiae, and each Curia into Decuriae, at the head of which were placed chiefs called *Curions* and *Decurions*.

[4] In addition a body of one hundred Horsemen or Knights, called a Century, was drawn from each Tribe: which shows that these divisions, which are hardly needed in a small town, were initially entirely military. But it would seem that an instinct for greatness led the small city of Rome to [*445*] give itself in anticipation a polity suited to the capital of the world.

[5] This first division soon led to an inconvenience. Namely that while the Tribe of the Albans* and that of the Sabines** remained ever in the same condition, that of the foreigners*** kept on growing as a result of the steady influx of them, so that before long it exceeded the other two. The remedy Servius devised for this dangerous imbalance was to change the division, and to substitute for the division by race, which he abolished, another division, based on the city district which each Tribe occupied. Instead of three Tribes he made four; each of which occupied one of the hills of Rome and bore its name. Thus at the same time as he remedied the existing inequality he forestalled its future recurrence; and so that this might be a division not only of districts but of men, he forbade the inhabitants of one quarter to move to another, which kept the races from mixing.

[6] He also doubled the three original centuries of Knights and added twelve more to them, but always keeping their original names; a simple and judicious means by which he succeeded in distinguishing the body of the Knights from that of the People without causing the latter to grumble.

[7] To these four urban Tribes Servius added fifteen more, called rural Tribes because they were made up of inhabitants of the countryside, distributed into as many cantons. Later an equal number of new Tribes were created, and eventually the Roman

* *Ramnenses*.
** *Tatienses*.
*** *Luceres*.

People found itself divided into thirty-five Tribes; the number at which they remained until the end of the Republic.

[8] This distinction between the Urban and the rural Tribes resulted in an effect worth noting because there is no other example of it, and because Rome owed to it both the preservation of its morals and the growth of its empire. The urban Tribes might have been expected to have soon arrogated the power and honors to themselves, and to lose no time debasing the rural Tribes; the very opposite happened. The early Romans' taste for country life is well known. They owed this taste to the wise [*446*] founder who coupled freedom with rural and military labors, and so to speak relegated arts, crafts, intrigue, riches and slavery to the city.

[9] Thus, since all of Rome's illustrious men lived in the countryside and cultivated the land, it became customary to look only there for the mainstays of the Republic. Since this was the station of the worthiest Patricians it was held in honor by everyone: the Villagers' simple and hardworking life was preferred to the idle and loose life of the Roman Bourgeois, and someone who would have been but a miserable proletarian in the city became a respected Citizen as a farmer in the country. It is not without reason, said Varro, that our great-souled ancestors made the Village the nursery of the robust and valiant men who defended them in time of war and nourished them in time of peace. Pliny states positively that the rural Tribes were honored for the men who made them up; whereas cowards whom they wanted to dishonor were transferred to the urban Tribes as a disgrace. When the Sabine Appius Claudius came to settle in Rome, he was loaded with honors and inscribed in a rural Tribe which afterwards assumed the name of his family. Finally, freedmen all joined the urban, never the rural Tribes; and during the entire Republic there is not a single instance of any one of these freedmen acceding to any magistracy, even though he had become a Citizen.

[10] This maxim was excellent; but it was pushed so far that it finally resulted in a change and certainly an abuse in the administration.

[11] First, the Censors, after having long arrogated to themselves the right arbitrarily to transfer citizens from one Tribe to

another, permitted most of them to inscribe themselves in whichever one they pleased; a permission that was certainly not good for anything, and that deprived the censorship of one of its main tools. In addition, since the Great and the powerful all had themselves inscribed in rural Tribes, and the freedmen who had become Citizens remained in the urban Tribes along with the populace, the Tribes generally no longer had their own district or territory; but all were so intermingled that it became impossible to identify the members of any one of them without consulting the registers, so that the idea associated with the word *Tribe* thus shifted from owning real estate to who one is, or rather it became almost a chimera.

[*447*] [12] In addition it happened that the urban Tribes, being closer at hand, often found themselves to be the strongest in the comitia and sold the State to those who stooped to buy the votes of the rabble that made them up.

[13] With regard to the Curiae, since the founder had created ten of them in each Tribe, the entire roman people enclosed within the city walls at the time was made up of thirty Curiae, each with its own temples, its Gods, its officers, its priests, and its festivals called *compitalia*, similar to the *Paganalia* subsequently held by the rural Tribes.

[14] Since, at the time of Servius' new apportionment, this number thirty could not be distributed evenly among his four Tribes and he did not want to alter this division, the Curiae independent of the Tribes became another division of Rome's inhabitants: But there was no [longer any] question of Curiae among the rural Tribes or among the people who made them up because, since the Tribes had become purely civil establishments and a different administration had been introduced to raise troops, Romulus's military divisions proved superfluous. Thus, although every Citizen was inscribed in a Tribe, far from everyone was inscribed in a Curia.

[15] Servius made yet a third division which bore no relation to the first two, and which by its effects became the most important of all. He distributed the entire Roman people into six classes which he distinguished neither by district nor by persons, but by goods: So that the first classes were filled with the rich, the last with the poor, and the middle ones with those who enjoyed

a moderate fortune. These six classes were subdivided into 193 further bodies called centuries, and these bodies were so distributed that the first Class alone contained more than half of the centuries, and the last one was formed of but a single one. Thus it came about that the Class with the smallest number of men had the largest number of centuries, and that the entire last class was counted as only one subdivision although it alone contained more than half of Rome's inhabitants.

[16] In order for the people to make out the consequences of this last form less readily, Servius pretended to give it a military cast: he inserted two centuries of armament and armor makers into the second class, and two of weapons makers into [*448*] the fourth: In each Class, except the last, he distinguished the young from the old, that is to say those who were obliged to bear arms from those whose age exempted them by law from bearing them; a distinction which more than the distinction by wealth made it necessary frequently to take a new census or enumeration: Finally he wanted the assembly held in the Campus Martius, and everyone of military age to attend with their arms.

[17] The reason why he did not follow this same division into young and old in the last class, is that the populace that composed it was not accorded the honor of bearing arms for the fatherland; one had to have hearths in order to obtain the right to defend them, and there is perhaps not a single man, among the countless troops of beggars who nowadays shine in the armies of Kings, who would not have been disdainfully expelled from a Roman cohort in the days when soldiers were the defenders of freedom.

[18] However, in the last class a further distinction was drawn between the *proletarians* and those who were called *capite censi*. The former, not wholly reduced to nothing, at least contributed Citizens to the State, sometimes even soldiers when there was pressing need. As for those who had nothing at all and could be counted only by head, they were regarded as altogether nil, and Marius was the first who deigned to enroll them.

[19] Without deciding here whether this third enumeration was good or bad in itself, I believe I can safely assert that it could have been made practicable only because of the first Romans' simple morals, their disinterestedness, their taste for agriculture, their contempt for commerce and the ardor for gain. Where is the

modern people whose devouring greed, unsettled spirit, intrigue, constant comings and goings, perpetual revolutions of fortune would let such an establishment last twenty years without overthrowing the whole State? Indeed, it has to be stressed that, in Rome, morals and the censorship, stronger than this institution, corrected for its vice, and that some rich men found themselves relegated to the class of the poor for having made an excessive display of their riches.

[20] From all this it is easy to understand why almost never more than five classes are mentioned, although there really were six. The sixth, since it provi[*449*]ded neither soldiers to the army nor voters at the Campus Martius* and was of almost no use in the Republic, was rarely taken into account.

[21] Such were the different divisions of the Roman people. Let us now see what effect they produced in the assemblies. These assemblies, legitimately convened, were called *Comitia*; they were normally held in the Roman forum or in the campus Martius, and were distinguished into Curiate, Centuriate and Tribal comitia, according to which one of these three forms was their organizing form; the comitia by curiae were instituted by Romulus, the comitia by Centuries by Servius, the comitia by Tribes by the Tribunes of the people. No law was sanctioned, no magistrate elected except in the Comitia, and since there was not a single Citizen who was not inscribed in a Curia, a Century, or a Tribe, it follows that no Citizen was excluded from the right to vote, and that the Roman People was genuinely Sovereign both by right and in fact.

[22] For the Comitia to be legitimately assembled and for their transactions to have the force of law, three conditions had to be met: first, that the body or the magistrate convening it was vested with the requisite authority to do so; the second, that the assembly be held on one of the days permitted by law; third, that the auguries were favorable.

[23] The reason for the first regulation requires no explanation; the second is a matter of administration; thus Comitia were not

* I say at the *campus martius* because that is where the Comitia assembled by centuries; in the other two forms the people assembled in the *forum* or elsewhere, and then the *Capite censi* had as much influence and authority as the first Citizens.

allowed to be held on holidays or market-days, when country-folk coming to Rome on business had not the time to spend the day in the public square. With the third the Senate reined in a proud and restless people and, when necessary, tempered the ardor of seditious Tribunes; but they found more than one way to rid themselves of this irritant.

[24] The Laws and the election of the chiefs were not the only matters submitted to the judgment of the Comitia: The roman people having usurped the most important functions of [*450*] Government, the fate of Europe may be said to have been decided in its assemblies. This variety of objects gave rise to the various forms which these assemblies assumed according to the matters they had to decide.

[25] In order to judge these various forms one need only compare them. Romulus's purpose in instituting the Curiae was to restrain the Senate by the people and the People by the Senate while himself dominating both equally. So that by means of the curiae he gave the people the full authority of numbers to balance the authority of power and wealth which he left to the Patricians. But in keeping with the spirit of Monarchy he nevertheless gave the Patricians a greater advantage through their Clients' influence on the majority of votes. This admirable institution of Patrons and Clients was a masterpiece of politics and humanity without which the Patriciate, so contrary to the spirit of the Republic, could not have survived. Rome alone had the honor of setting the world this fine example which never led to any abuse, and yet has never been followed.

[26] Since this same form of Curiae continued under the Kings until Servius, and since the reign of the last Tarquin was considered not to be legitimate, the royal laws were generally identified by the name of *leges curiatae*.

[27] Under the Republic, the Curiae, still limited to the four urban Tribes and now including only the Roman populace, could not suit either the Senate which was at the head of the Patricians, or the Tribunes who, although plebeians, were at the head of the well-to-do Citizens. They therefore became discredited, and their degradation was such that their thirty Lictors assembled did what the comitia by Curiae should have been doing.

[28] The division by Centuries favored Aristocracy to such an extent that one is at first left to wonder why the Senate did not

always prevail in the Comitia that bore that name and that elected the Consuls, Censors and other curule Magistrates. Indeed, since the first of the one hundred and ninety-three centuries that made up the six Classes of the entire roman People comprised ninety-eight centuries, and votes were only counted by Centuries, this first Class by itself alone prevailed over all the others by the number of votes. When all of its Centuries were in agreement, they did not even continue to [*451*] collect the ballots; what the smallest number had decided passed for a decision of the many; and in the Comitia by Centuries affairs may be said to have been more often settled by majorities of cash than of votes.

[29] But this extreme authority was tempered in two ways: First, the Tribunes ordinarily, and a large number of the Plebeians always, were in the class of the rich and thus balanced the influence of the Patricians in this first class.

[30] The second way was this, that instead of having the Centuries start voting in order, which would invariably have led to begin with the first one, a Century was chosen by lot, and that one* alone proceeded to hold an election; after which all the Centuries, having been summoned for another day in the order of their rank, repeated the same election and usually confirmed it. In this way the authority of example was withdrawn from rank and given to lot in conformity with the principle of democracy.

[31] This practice led to yet another advantage; namely that the Citizens from the countryside had time between the two elections to inform themselves about the merit of the Candidate provisionally nominated, so that they might cast an informed vote. But on the pretext of expediency this practice got successfully abolished, and both elections were held on the same day.

[32] The Comitia by Tribes were properly the Council of the roman people. They could only be convened by the Tribunes; the Tribunes elected them and their plebiscites were passed in them. Not only had the Senate no standing in them, it did not even have the right to attend them, and the Senators, forced to obey laws on which they could not vote, were in this respect less free than the last of Citizens. This injustice was altogether ill- conceived, and it

* The century thus drawn by lot was called *praerogativa* because it was the first to be asked to vote, and this is where the word *prerogative* comes from.

alone was enough to invalidate the decrees of a body to which not all of its members were admitted. Even all the Patricians, if they had attended these Comitia in accordance with their right as Citizens to do so since they would then have become mere private individuals, would have had scarcely any impact on a form of [*452*] voting that consists in counting heads and in which the least proletarian counted for as much as the Prince of the Senate.

[33] It is therefore evident that these various divisions of the population were not simply forms indifferent in themselves, but that in addition to determining the order in which the votes cast by such a large People were counted, each one of them had effects relative to the views that led to preferring a given division.

[34] Without going into fuller detail about this, it follows from the preceding clarifications that the Comitia by Tribes were the most favorable to popular Government and the Comitia by Centuries to Aristocracy. With regard to the Comitia by Curiae in which the Roman populace alone formed the majority, since all they were good for was to favor tyranny and evil designs, they inevitably fell into disrepute, and seditious parties themselves abstained from using a means that exposed their projects too openly. Certain it is that the whole majesty of the Roman People resided solely in the Comitia by Centuries, which alone were complete; for the Comitia by Curiae lacked the rural Tribes, and the Comitia by Tribes lacked the Senate and the Patricians.

[35] As for the manner of collecting votes, among the early Romans it was as simple as their morals, although still less simple than in Sparta. Each person announced his vote out loud, a Clerk recorded them in writing as they were announced; in each Tribe a majority of votes determined the vote of that Tribe, a majority of votes by the Tribes determined the vote of the People, and the same was done in the Curiae and the Centuries. The practice was good as long as honesty reigned among the Citizens and each person was ashamed to cast his vote publicly for an unjust opinion or an unworthy candidate; but when the people grew corrupt and votes were bought, it agreed to secret balloting so that buyers might be restrained by mistrust and scoundrels given a way not to be traitors.

[36] I know that Cicero condemns this change and holds it partly responsible for the ruin of the Republic. But although I am

sensible to the weight Cicero's authority should carry in this matter, I cannot share his opinion. I think, on the contrary, that the loss of the State was hastened because not enough such changes were made. Just as the regimen for healthy people is not suited to the sick, one must not try to go[*453*]vern a corrupt people by the same Laws as those that suit a good people. Nothing proves this maxim better than the long life of the Republic of Venice, which still retains a simulacrum of existence solely because its laws are suited only to wicked men.

[37] Tablets were therefore distributed to the Citizens, allowing everyone to vote without anyone's knowing his opinion. In addition, new procedures for collecting these tablets, tallying votes, comparing numbers, etc. were introduced. This did not prevent the integrity of the officers in charge of these functions* from frequently coming under suspicion. In the end, in order to prevent intrigue and the buying and selling of votes, Edicts were issued, the large number of which proves their uselessness.

[38] Toward the final times of the Republic they were often compelled to resort to extraordinary expedients in order to make up for the inadequacy of the laws. Sometimes prodigies were alleged; but this means, which might deceive the people did not deceive those who governed it; sometimes an assembly was convened suddenly, before the candidates had time to engage in their intrigues; sometimes, when the people was found to have been won over and ready to make a bad choice, an entire session was taken up by talk: but finally ambition eluded everything; and what is incredible is that in the midst of so many abuses this immense people, thanks to its ancient regulations, did not cease to elect Magistrates, pass laws, try cases, dispatch private and public business almost as readily as the Senate itself might have done.

Chapter V
Of the Tribunate

[1] When an exact proportion between the constitutive parts of the State cannot be established, or when indestructible forces

* Custodes, Diribitores, Rogatores suffragiorum.

consistently upset the relations between them, a special magistracy is instituted that is not [*454*] an integral part of the whole but restores each term to its true relation and acts as a link or middle term either between the Prince and the People or between the Prince and the Sovereign, or between both sides at once if that is necessary.

[2] This body, which I will call *Tribunate*, is the preserver of the laws and of the legislative power. Sometimes it serves to protect the Sovereign against the Government, as the Tribunes of the people did in Rome, sometimes to uphold the Government against the People, as the Council of Ten does now in Venice, and sometimes to maintain the balance between the two, as the Ephors did in Sparta.

[3] The Tribunate is not a constitutive part of the City, and should have no share in the legislative or the executive power, but for this very reason its own power is all the greater: for while it can do nothing, it can prevent everything. It is more sacred and revered as the defender of the Laws than the Prince that executes them and than the Sovereign that issues them. This was very clearly seen in Rome when those proud Patricians who always despised the entire people were forced to yield to a simple officer of the people who had neither patronage nor jurisdiction.

[4] A wisely tempered Tribunate is the firmest bulwark of a good constitution; but with even a little excess force it upsets everything: As for being weak, it is not in its nature to be so, and provided it is something, it is never less than is necessary.

[5] It degenerates into tyranny when it usurps the executive power of which it is only the moderator, and seeks to issue the laws which it should only protect. The enormous power of the Ephors, which posed no danger so long as Sparta preserved its morals, hastened its corruption once corruption set in. The blood of Agis, murdered by these tyrants, was avenged by his successor: the crime and the punishment of the Ephors equally hastened the loss of the Republic, and after Cleomenes Sparta was no longer anything. Rome perished in the same way as well, and eventually the excessive power the Tribunes had gradually usurped together with the help of laws that had been made for the sake of freedom, served as a shield for the Emperors who destroyed it. As for the Council of Ten in Venice; it is a Tribunal of blood, equally

abhorrent to the Patricians and to the People and which, far from loftily protecting the laws, no longer serves any other purpose, [*455*] now that the laws have been debased, than under cover of darkness to strike blows one dares not notice.

[6] The Tribunate, like the Government, is weakened by the multiplication of its members. When the Tribunes of the Roman people, at first two in number, then five, wanted to double this number, the Senate let them do so, confident that it could check some by means of the others; which did not fail to happen.

[7] The best means to prevent usurpations by so formidable a body, a means that has so far not occurred to any Government, would be not to make this body permanent, but to stipulate intervals during which it would be suspended. These intervals, which should not be long enough to allow abuses sufficient time to get established, can be fixed by law, so that if need be they could easily be shortened by extraordinary commissions.

[8] This means seems to me free of inconveniences because, as I have said, since the Tribunate is not part of the constitution, it can be removed without injuring the constitution; and this means seems to me effective because a newly installed magistrate does not start out with the power his predecessors had but with that which the law grants him.

Chapter VI
Of the Dictatorship

[1] The inflexibility of the laws, which keeps them from accommodating to events, can, in some instances, render them pernicious and so cause the ruin of a State in crisis. The orderliness and deliberateness of formal procedures require a stretch of time that circumstances sometimes do not grant. A thousand cases can arise for which the Lawgiver did not provide, and it is a very necessary foresight to sense that one cannot foresee everything.

[2] One should therefore not try to strengthen political institutions to the point of depriving oneself of the power to suspend their effect. Even Sparta let its laws lie dormant.

[3] But only the greatest dangers can [*456*] outweigh the danger of upsetting the public order, and the sacred power of the laws

should never be suspended except when the salvation of the fatherland is at stake. In those rare and obvious cases a special act provides for the public safety by entrusting it to the most worthy person. This commission can be assigned in either of two ways according to the kind of danger.

[4] If increasing the activity of the government is enough to remedy the danger, then this increased activity gets concentrated in one or two of its members; this way it is not the authority of the laws but only the form of their administration that is diluted. However, if the peril is such that the legal structure is an obstacle to guarding against it, then a supreme chief is appointed who silences all the laws and provisionally suspends the Sovereign authority; in such a case the general will is not in doubt, it is obvious that the people's primary intention is that the State not perish. This way the suspension of the legislative authority does not abolish it; the magistrate who silences it cannot make it speak, he dominates it without being able to represent it; he can do everything except make laws.

[5] The first means was used by the Roman Senate when it charged the Consuls by a consecrated formula with providing for the safety of the Republic; the second took place when one of the two Consuls appointed a Dictator;* a practice for which Alba had set the precedent in Rome.

[6] In the beginnings of the Republic they very frequently had recourse to the Dictatorship because the State was not yet firmly enough established to sustain itself by the force of its constitution. Since at that time morals rendered superfluous a good many of the precautions that would have been necessary at other times, there was no fear that a Dictator would abuse his authority or attempt to keep it beyond his term. On the contrary, it seemed that so great a power was a burden to him in whom it was vested, so much in a hurry was he to be rid of it; as if taking the place of the laws had been too painful and too perilous a charge!

[7] So that in the earliest times, blaming the indiscriminate use of this [*457*] supreme magistracy is prompted not by the danger of its being abused but by the danger of its being debased. For while

* This appointment was made at night and in secret, as if they were ashamed to place a man above the laws.

it was being lavished on Elections, Dedications, pure formalities, there was reason to fear that it would prove less formidable in times of need, and that people would come to regard as vain a title used only in vain ceremonies.

[8] Toward the end of the Republic, the Romans, having grown more circumspect, were sparing in their use of the Dictatorship with as little reason as they had formerly been prodigal in their use of it. It was easy to see that their fear was ill-founded, that by then the weakness of the capital guaranteed its safety against the magistrates in its midst, that a Dictator could in some cases defend public freedom without ever being in a position to threaten it, and that Rome's chains would not be forged in Rome itself, but in its armies: the feeble resistance Marius offered Sulla, and Pompey offered Caesar showed clearly enough what could be expected from internal authority facing external force.

[9] This error caused them to make great mistakes. As, for example, was their failure to appoint a Dictator in the Catiline affair; for since all that was at issue was internal to the city and at most to some province in Italy, a Dictator, with the unlimited authority the laws gave him, would easily have quelled the conspiracy that was only suppressed by a concatenation of happy contingencies which human prudence could never have anticipated.

[10] Instead, the Senate was content to transfer all of its power to the Consuls; which is how it happened that in order to act effectively, Cicero was constrained to exceed this power on a crucial point, and that, while the first transports of joy led to his conduct being approved, he was later justly called to account for the blood of Citizens shed in violation of the laws; a reproach that could not have been leveled at a Dictator. But the Consul's eloquence swept all before him; and since he, although a Roman, loved his glory more than his fatherland, he sought not so much the most legitimate and certain means to save the State as the means to get all the honor in this affair.* He was therefore [*458*] justly honored as the liberator of Rome, and justly punished as

* This is what he could not be confident of if he had suggested a Dictator, since he did not dare to appoint himself and he could not be sure that his colleague would appoint him.

a transgressor of the laws. However brilliant his recall may have been, it is certain that it was a pardon.

[11] In any case, regardless of how this important commission is conferred, it is important that its duration be fixed to a very brief term that can never be extended; in the crises that lead to its being established the State is either destroyed or saved in short order, and the pressing need once passed, the Dictatorship becomes tyrannical or unnecessary. In Rome, the Dictators' terms being for just six months, most of them abdicated before their term expired. If it had been for longer they might have been tempted to extend it still further, as the Decimvirs did their one-year term. The Dictator had only the time to attend to the need that got him elected, he had no time to dream up other projects.

Chapter VII
Of the Censorship

[1] Just as the general will is declared by the law, the public judgment is declared by the censorship; public opinion is the kind of law of which the Censor is the Minister and which, following the example of the Prince, he does no more than apply to particular cases.

[2] So that the censorial tribunal, far from being the arbiter of the people's opinion, does no more than declare it, and as soon as it strays from it, its decisions are vain and ineffectual.

[3] It is useless to draw a distinction between a nation's morals and the objects of its esteem; for they all derive from the same principle and necessarily commingle. Among all the peoples of the world, it is not nature but opinion that determines the choice of their pleasures. Reform men's opinions and their morals will be purified of themselves. One always loves what is fine or what one finds to be so, but it is this judgment that may be mistaken; hence it is this judgment that has to be regulated. Whoever judges morals judges honor, and whoever judges honor takes opinion as his law.

[*459*] [4] A people's opinions arise from its constitution; although the law does not regulate morals, it is legislation that gives rise to them; when legislation weakens, morals degenerate;

but by then the Censor's judgment will not do what the force of the laws did not do.

[5] It follows that the Censorship can be useful in preserving a people's morals, never in restoring them. Establish Censors while the Laws are in their vigor; once they have lost it, all hope is lost; nothing legitimate any longer has force when the laws no longer have any.

[6] The Censorship upholds morals by preventing opinions from becoming corrupt, by preserving their uprightness through wise applications, sometimes even by giving them a stable form when they are still unstable. The use of seconds in duels, which was carried to extravagant extremes in the Kingdom of France, was abolished in it by the following few words in an Edict of the King; *as for those who are so cowardly as to call upon Seconds*. This judgment, by anticipating that of the public, straightaway settled it. But when the same Edicts sought to proclaim that it was also an act of cowardice to fight a duel, which is very true but contrary to common opinion, the public made fun of this decision about which its judgment was already settled.

[7] I have said elsewhere* that since public opinion is not subject to compulsion there should be no vestige of compulsion in the tribunal established to represent it. One cannot too much admire the skill with which this device, which has been entirely lost among the moderns, was brought into play among the Romans and even better among the Lacedaemonians.

[8] When a man of bad morals made a good suggestion in the council of Sparta, the Ephors, without taking any notice of him, had the same suggestion made by a virtuous Citizen. What an honor for the one, what a disgrace for the other, without either one of them being praised or blamed! Some drunkards from Samos** defiled the Tribunal of the Ephors: the next day the Samians were permitted by public Edict to be filthy. A true punishment would have been less severe than such impunity. Once Sparta has pronounced on what is and what is not proper, Greece does not appeal its judgments.

* In this chapter I merely indicate what I have dealt with at greater length in the Letter to M. d'Alembert.

** They came from another island which the delicacy of our language does not permit being named in this context. [1782 edn.]

[*460*]

Chapter VIII
Of the Civil Religion

[1] Men at first had no other Kings than the Gods, nor any other Government than the Theocratic one. They reasoned as had Caligula, and at the time they reasoned correctly. It takes a long adulteration of sentiments and ideas before one can bring oneself to accept a being like oneself as one's master, and flatter oneself into believing one will be well off as a result.

[2] From this alone that God was placed at the head of each political society, it followed that there were as many Gods as peoples. Two peoples strangers to one another and almost always enemies could not long recognize the same master: Two armies engaged in battle could not obey the same chief. Thus from national divisions resulted polytheism, and from it theological and civil intolerance which are naturally the same, as will be stated below.

[3] The Greeks' fancy of rediscovering their Gods among barbarian peoples came from their fancy of also regarding themselves these peoples' natural Sovereigns. But the erudition that nowadays focuses on the identity of various nations' Gods is quite ridiculous; as if Moloch, Saturn, and Cronos could be the same God; as if the Phoenicians' Baal, the Greeks' Zeus, and the Latins' Jupiter could be the same; as if chimerical Beings bearing different names could have anything in common!

[4] If the question arises about how it is that under paganism, where every State had its cult and its Gods, there were no wars of Religion? I reply that it was precisely because each State, with its own cult as well as its Government, did not distinguish between its Gods and its laws. Political war was also Theological: the departments of the Gods were, so to speak, set by the boundaries of Nations. The God of one people had no right over other peoples. The Gods of the Pagans [*461*] were not jealous Gods; they divided the empire of the world among themselves: Moses himself and the Hebrew People sometimes countenanced this idea by speaking of the God of Israel. They did, it is true, regard as naught the Gods of the Canaanites, proscribed peoples, destined for destruction, and whose stronghold they were to occupy. But

see how they spoke about the divinities of the neighboring peoples they were forbidden to attack! *The possession of what belongs to Chamos your God*, Jephta said to the Ammonites, *is it not legitimately your due? By the same title we possess the lands our victorious God has acquired.*[*] This, it seems to me, indicates a clearly acknowledged parity between the rights of Chamos and those of the God of Israel.

[5] But when the Jews, subjected to the Kings of Babylon and subsequently to the Kings of Syria, obstinately sought to recognize no other God than their own, this refusal, viewed as a rebellion against the victor, brought down on them the persecutions about which one reads in their history, and of which there is no other known example prior to Christianity.[**]

[6] Since, then, each Religion was tied exclusively to the laws of the State that prescribed it, there was no other way to convert a people than to enslave it, nor were there any other missionaries than conquerors, and since the obligation to change their cult was the law of the vanquished, it was necessary to be victorious before talking about conversion. Far from men fighting for the Gods, it was, as in Homer, the Gods who fought for men; each asked his own for victory, and paid for it with new altars. The Romans, before taking a stronghold, called upon its Gods to abandon it, and when they let the people of Tarentum keep their irate Gods [*462*] they did so because in this case they regarded those Gods as subject to their own and forced to pay them homage. They left the vanquished their Gods as they left them their laws. Often the only tribute they exacted was a crown dedicated to Capitoline Jupiter.

[7] Eventually, the Romans having extended their cult and their Gods along with their empire, and having often themselves adopted those of the vanquished by granting them freedom of

[*] *Nonne ea quae possidet Chamos deus tuus tibi jure debentur?* This is the text of the Vulgate. Fr. de Carrières has translated it: *Do you not believe you have the right to possess what belongs to Chamos your God?* I do not know the force of the Hebrew text; but I see that in the Vulgate Jephta positively recognizes the right of the God Chamos, and that the French translator weakens this recognition by an *according to you* [i.e. *Do you not believe*] that is not in the Latin.

[**] It is perfectly evident that the war against the Phocaeans called the holy war was not a war of Religion. Its object was to punish sacrilege not to subjugate nonbelievers.

the City as they did to their own Gods, the peoples of this vast empire imperceptibly found that they had multitudes of Gods and of cults, more or less the same everywhere; and this is how paganism eventually became but one and the same Religion throughout the known world.

[8] It was under these circumstances that Jesus came to establish a Spiritual Kingdom on earth; which, by separating the theological from the political system, led to the State's ceasing to be one, and caused the intestine divisions that have never ceased to convulse Christian peoples. Now since this new idea of an otherworldly Kingdom could never enter the pagans' head, they always looked upon Christians as true rebels who, under cover of an hypocritical submission, were only looking for the opportunity to become independent and the masters, and craftily to usurp the authority which they pretended out of weakness to respect. This was the cause of the persecutions.

[9] What the pagans had feared came to pass; then everything changed in appearance, the humble Christians changed their language, and before long this supposedly otherworldly kingdom was seen to become under a visible chief the most violent despotism in this world.

[10] However, since there always was a Prince and civil laws, this dual power has resulted in a perpetual conflict about jurisdiction that has made any good polity impossible in Christian States, and no one has ever succeeded in resolving the question of whom one is obliged to obey, the master or the priest.

[11] However, several peoples, even in Europe or near it, have tried to preserve or to restore the ancient system, but without success; the spirit of christianity has come to pervade everything. The sacred cult always remained or reverted to being independent of the Sovereign and without necessary tie to the State. Mohammed had very sound views, he knit together his political system well, and as long as the form of his [*463*] Government endured under his successors, the Caliphs, this Government was strictly unitary and, in this respect, good. But once the Arabs became prosperous, lettered, polished, soft and pusillanimous, they were subjugated by barbarians; whereupon the division between the two powers arose anew; although it is less evident among muslims than among Christians, it nevertheless is there,

especially in the sect of Ali, and there are States, such as Persia, where it never ceases to make itself felt.

[12] Among us, the Kings of England have established themselves as heads of the Church, and the Czars have done the same; but with this title they have made themselves not so much the Church's masters as its Ministers; they have acquired not so much the right to change it as the power to preserve it; They are not its legislators, they are merely its Princes. Wherever the Clergy constitutes a body* it is the master and legislator in its realm. There are therefore two powers, two Sovereigns, in England and in Russia, just as everywhere else.

[13] Of all Christian Authors the philosopher Hobbes is the only one who clearly saw the evil and the remedy, who dared to propose reuniting the two heads of the eagle and to bring everything back to political unity, without which no State or Government will ever be well-constituted. But he must have seen that the domineering spirit of Christianity was incompatible with his system, and that the interest of the Priest would always be stronger than that of the State. It is not so much what is horrible and false as what is just and true in his politics that has made it odious.**

[14] I believe that by examining the historical facts in this light [*464*] it would be easy to refute the opposing sentiments of Bayle and of Warburton, one of whom contends that no religion is useful to the body politic, and the other of whom maintains to the contrary that Christianity is its strongest bulwark. One would prove to the first that no State has ever been founded without Religion serving as its base, and to the second that the Christian law is at bottom more harmful than useful to a strong constitution of the State. All that is required to make myself fully understood is

* It should especially be noted that it is not so much formal assemblies, like those in France, that bind the clergy into a single body, as it is the communion of Churches. Communion and excommunication are the clergy's social pact by which it will always be the master of peoples and of Kings. All priests who take communion together are fellow citizens, though they may be from opposite ends of the earth. This invention is a masterpiece of politics. There was nothing like it among pagan Priests; which is why they never constituted a Clergy as a body.

** See, among other things, in a letter of Grotius to his brother of 11 April 1643 what that learned man approves and what he disapproves of in the book *De cive*. It is true that, being inclined to be indulgent, he seems to forgive the author the good for the sake of the bad; but not everyone is this lenient.

to attach somewhat greater precision to the excessively vague ideas about Religion that bear on my subject.

[15] Religion considered in relation to society, which is either general or particular, can also be divided into two kinds, namely the Religion of man and that of the Citizen. The first, without Temples, without altars, without rites, limited to the purely internal cult of the Supreme God and the eternal duties of morality, is the pure and simple Religion of the Gospel, true Theism, and what may be called natural divine right. The other, inscribed in a single country, gives it its Gods, its own titular Patrons: it has its dogmas, its rites, its external cult prescribed by laws: it regards everything outside the single Nation that adheres to it, as infidel, alien, barbarous; it extends the rights and the duties of man only as far as its altars. Such were all the Religions of the earliest peoples, to which may be given the name of civil or positive divine right.

[16] There is a third, more bizarre kind of Religion which, by giving men two legislations, two chiefs, two fatherlands, subjects them to contradictory duties and prevents their being at once devout and Citizens. Such is the Religion of the Lamas, such is that of the Japanese, such is Roman christianity. It may be called the religion of the Priest. It results in a sort of mixed and unsociable right that has no name.

[17] Considering these three kinds of religion from a political point of view, they all have their defects. The third is so manifestly bad that it is a waste of time to amuse oneself demonstrating that it is. Everything that destroys social unity is worthless: All institutions that put man in contradiction with himself are worthless.

[18] The second is good in that it combines divine worship and love of the laws, and in making the fatherland [*465*] the object of the Citizens' worship it teaches them that to serve the State is to serve its tutelary God. It is a kind of Theocracy, in which one should have no other pontiff than the Prince, nor other priests than the magistrates. To die for one's country is to be a martyr, to break the laws is to be impious, and to consign the guilty to public execration is to deliver him to the wrath of the Gods; *sacer estod*.

[19] But it is bad in that, being founded on error and on lies, it deceives men, makes them credulous, superstitious, and drowns the true cult of the divinity in a vain ceremony. It is furthermore bad when, becoming exclusive and tyrannical, it makes a people

bloodthirsty and intolerant; so that it breathes nothing but murder and massacre, and believes it performs a sacred deed in killing whoever does not acknowledge its Gods. This places such a people in a natural state of war with all others, which is most prejudicial to its own security.

[20] There remains, then, the Religion of man or Christianity, not that of today, but that of the Gospel, which is altogether different. By this saintly, sublime, genuine Religion, men, children of the same God, all recognize one another as brothers, and the society that unites them does not dissolve even at death.

[21] But this Religion, since it has no particular relation to the body politic, leaves the laws with only the force they derive from themselves without adding any other force to them, and hence one of the great bonds of any particular society remains without effect. What is more; far from attaching the Citizens' hearts to the State, it detaches them from it as from all earthly things. I know of nothing more contrary to the social spirit.

[22] We are told that a people of true Christians would form the most perfect society imaginable. I see only one major difficulty with this supposition; which is that a society of true christians would no longer be a society of men.

[23] I even say that, for all its perfection, this supposed society would be neither the strongest nor the most long-lasting: By dint of being perfect, it would lack cohesion; its very perfection would be its fatal flaw.

[24] Everyone would fulfill his duty; the people would be subject to the laws, the chiefs would be just and moderate, the magistrates [*466*] would be honest and incorruptible, the soldiers would despise death, there would be neither vanity nor luxury; all this is very well, but let us look further.

[25] Christianity is a wholly spiritual religion, exclusively concerned with the things of Heaven: the Christian's fatherland is not of this world. He does his duty, it is true, but he does it with profound indifference to the success or failure of his efforts. Provided he has nothing to reproach himself for, it does not much matter to him whether everything goes well or badly down here on earth. If the State prospers, he hardly dares to enjoy the public felicity, he fears taking pride in his country's glory; if the State declines, he blesses the hand of God that weighs down on his people.

[26] For society to be peaceful and harmony preserved, all Citizens without exception would have to be equally good Christians: But if unhappily there is a single ambitious man among them, a single hypocrite, a Catiline, for example, a Cromwell, he will most certainly very easily get the better of his pious compatriots. Christian charity does not allow one readily to think ill of one's neighbor. Once he has discovered by some cunning the art of hoodwinking them and of seizing a part of the public authority, behold a man vested with dignity; God wills that he be respected; soon behold a power; God wills that he be obeyed; does the repository of this power abuse it? it is the scourge with which God punishes his children. Driving out the usurper would trouble one's conscience; it would require disturbing the public repose, resorting to violence, shedding blood; all this accords ill with a Christian's mildness; and after all what does it matter in this vale of tears whether one is free or a serf? the essential thing is to get to paradise, and resignation is but one more means to that end.

[27] Does a foreign war break out? The Citizens unhesitatingly march to battle; not one of them thinks of fleeing; they do their duty, but without passion for victory; they know how to die rather than to win. What matter whether they are victors or vanquished? Does not Providence know better than they themselves do what they need? Imagine how a proud, impetuous, passionate enemy can take advantage of their stoicism! Pit against them those generous peoples who were consumed by an ardent love of glory and of fatherland, suppose your christian republic [*467*] confronting Sparta or Rome; the pious christians will be beaten, crushed, destroyed before they have time to realize what is happening to them, or they will owe their salvation to the contempt their enemy will conceive for them. In my view the oath Fabius' soldiers took was a fine oath; they did not swear to die or to win, they swore to return victorious, and they kept their oath: Christians would never have taken such an oath; they would have believed they were tempting God.

[28] But I am mistaken in speaking of a Christian Republic; each one of these two terms excludes the other. Christianity preaches nothing but servitude and dependence. Its spirit is too favorable to tyranny for tyranny not always to profit from it. True

Christians are made to be slaves; they know it and are hardly moved by it; this brief life has too little value in their eyes.

[29] Christian troops are excellent, we are told. I deny it. Show me some. As for myself, I know of no Christian troops. I will be referred to the Crusades. Without discussing the Crusaders' valor, I will point out that far from being Christians, they were soldiers of the priest, they were Citizens of the Church; they were fighting for its Spiritual country, which it had made temporal, one knows not how. Correctly understood, this belongs under the heading of paganism; since the Gospel does not establish a national Religion, a holy war among Christians is impossible.

[30] Under the pagan Emperors Christian soldiers were brave; all Christian Authors attest it, and I believe it: they were so in emulation for honor against the pagan Troops. Once the Emperors were christians this emulation ceased and once the cross had driven out the eagle all roman valor vanished.

[31] But leaving aside political considerations, let us return to right and let us establish the principles regarding this important point. The right the social pact gives the Sovereign over the subjects does not, as I have said, exceed the bounds of public utility.* Hence subjects owe the Sovereign an account [*468*] of their opinions only insofar as these opinions matter to the community. Now it certainly matters to the State that every citizen have a Religion that makes him love his duties; but the dogmas of this Religion are relevant to the State or to its members only insofar as they bear on morality and on the duties which anyone who professes it is bound to fulfill toward others. Beyond this everyone may hold whatever opinions he pleases without its being up to the Sovereign to know them: For since it has no competence in the other world, whatever the subjects' fate may be in the life to come is none of its business, provided they are good citizens in this one.

* *In the Republic*, says M. d'A[rgenson], *everyone is perfectly free with respect to what does not harm others.* This is the unalterable limit; it cannot be drawn more accurately. I could not deny myself the pleasure of sometimes quoting this ms., although it is not known to the public, so that I might [*468*] honor the memory of an illustrious and respectable man who, even in the royal Ministry, retained the heart of a true citizen and upright and sane views about the government of his country.

[32] There is therefore a purely civil profession of faith the articles of which it is up to the Sovereign to establish, not precisely as dogmas of Religion but as sentiments of sociability, without which it is impossible to be either a good Citizen or a loyal subject.* Without being able to oblige anyone to believe them, the Sovereign may banish from the State anyone who does not believe them; it may banish him, not as impious but as unsociable, as incapable of sincerely loving the laws, justice, and, if need be of sacrificing his life to his duty. If anyone, after having publicly acknowledged these same dogmas, behaves as if he did not believe them, let him be punished with death; he has committed the greatest of crimes, he has lied before the laws.

[33] The dogmas of the civil Religion ought to be simple, few in number, stated with precision, without explanations or commentary. The existence of the powerful, intelligent, beneficent, prescient, and provident Divinity, the life to come, the happiness of the just, the punishment of the wicked, the sanctity of the social Contract and the Laws; these are the positive dogmas. As for the negative dogmas, [*469*] I limit them to a single one; namely intolerance: it is a feature of the cults we have rejected.

[34] Those who draw a distinction between civil and theological intolerance are mistaken, in my opinion. The two intolerances are inseparable. It is impossible to live in peace with people one believes are damned; to love them would be to hate God who punishes them; they absolutely must be brought back into the fold or tormented. Wherever theological intolerance is allowed, it is impossible for it not to have some civil effect;** and as soon as it

* Caesar pleading for Catiline tried to establish the dogma of the mortality of the soul; to refute it, Cato and Cicero did not waste time philosophizing: they contented themselves with showing that Caesar was speaking like a bad Citizen and advancing a doctrine pernicious to the State. This, indeed, is what the Roman senate had to pass judgment on, and not on a question of theology.

** Marriage, for example, since it is a civil contract, has civil effects without which it would be impossible for society even to subsist. Let us suppose, then, that a Clergy succeeds to arrogate to itself alone the right to perform this act; a right which it is bound to usurp in any intolerant Religion. Then is it not clear that by exercising the authority of the Church in this matter, it will render ineffectual the authority of the Prince which will have no other subjects left but those the Clergy will be willing to give it? As the master of whether to marry or not to marry people according to whether they will or will not adhere to this or that doctrine, according to whether they will accept or reject this or that

does, the Sovereign is no longer Sovereign, even in the temporal realm: from then on the Priests are the true masters; Kings are but their officers.

[35] Now that there no longer is and no longer can be an exclusive national Religion, all those that tolerate the others have to be tolerated insofar as their dogmas contain nothing contrary to the duties of the Citizen. But whoever dares to say *no Salvation outside the Church*, has to be driven out of the State; unless the State is the Church and the Prince the Pontiff. Such a dogma is good only in a Theocratic Government, in any other it is pernicious. The reason for which Henry IV is said to have embraced the roman Religion should make any honest man and especially any Prince capable of reasoning leave it.

[*470*]

Chapter IX
Conclusion

[1] After setting down the true principles of political right and trying to found the State on its basis, it would remain to buttress it by its external relations; which would include the right of nations, commerce, the right of war and conquests, public right, leagues, negotiations, treaties, etc. But all this forms a new object too vast for my short sight; I should always have set it closer to myself.

formulary, according to whether they will be more or less devoted to it, is it not clear that by behaving prudently and holding firm, it alone will dispose of inheritances, of offices, of the Citizens, of the State itself, which could not subsist if it were made up of nothing but bastards? But, it will be said, abuses will be appealed, adjournments granted, summonses issued, warrants served, worldly goods seized. What a pity! The Clergy, if it only has, I do not say courage, but good sense, will not interfere and go its own way; it will calmly allow appeals, summonses, warrants, seizures, and end up being the master. It is not, it seems to me, a great sacrifice to give up a part when one is sure to seize the whole.

Of the Social Contract (pages 37–155)

The present translation is based on the corrected 1979 printing of the Pléiade edition of the text, edited by Robert Derathé: *OC* III, 347–470; departures from it are flagged in the Editorial Notes.

The other editions of the *Social Contract* I have taken into account are: *Du Contrat Social*, edited and annotated by E. Dreyfus-Brisac (Alcan, Paris, 1896); *Du Contrat Social*, edited and annotated by Georges Beaulavon (Société nouvelle de librairie et d'édition, Paris, 1903); *Du Contrat social*, edited and annotated by C. E. Vaughan

(Manchester University Press, 1918); *Du Contrat Social*, edited and annotated by R. Grimsley (Clarendon, Oxford, 1972); *Du Contrat Social*, Présentation, notes, bibliographie et chronologie par Bruno Bernardi (Flammarion, Paris 2001, 2012).

Title page Rousseau wavered about his title: the manuscript title page of the early draft of the work, known as the *Geneva ms.*, shows "Of the Social Contract" crossed out and replaced by "Of Civil Society," which is again crossed out and replaced by the original "Of the Social Contract"; the second line reads "or"; and the third line gives as subtitle "Essay on the Constitution of the State"; "Constitution of the State" is then crossed out and replaced by "Formation of the Body Politic"; "Body Politic" is then crossed out and replaced by "the State," which is then also crossed out, to leave the subtitle to read "Essay on the Form of the Republic." In the definitive version, the subtitle became "Principles of Political Right." See the reproduction in Dreyfus-Brisac's edition of *Du Contrat Social*, pp. 244–245, and the account of it, pp. xxi ff. ***foederis*** ... ***leges*** "Let us declare the fair laws of a compact": Virgil, *Aeneid* XI, 321f.; spoken by the King of Latium, whose army has just been defeated by the invading Trojans under Aeneas's command. In the event his suggestion goes unheeded, and the victorious Trojans proceed to found Rome.

I **taking men as they are** The sentiment goes back to Machiavelli, *Prince* XV [1]. Spinoza, echoing Machiavelli's sentiment, uses the very expression Rousseau here uses in criticizing the philosophers for conceiving of men not "as they are" but as they would like them to be: *Political Treatise* (1670), I, § 1; Rousseau acknowledges the point, but refuses to leave it at that: "While it is good to know how to use men as they are, it is much better still to make them what one needs them to be ...": *PE* [24].

Table of the Books ... see *CC* 10. 122. I.1[1] ***L'homme est né libre*** ... man *is*, not just *was*, always, everywhere, born free: "... the Jurists who have gravely pronounced that the child of a Slave would be born a Slave, have, in other words, decided that a man would not be born a man."*SD* II [42]; *SC* I 4[6]

I.2[4] **Grotius ... most frequent mode of argument is always to establish right by fact.** i.e. to proceed *a posteriori*, or by way of what in *War* [13] and in *Method* [6], [10] Rousseau calls the analytic method; see also Editorial Note to *SD* epigraph "What is natural," *Discourses* tr. pp. 266f.

I.3[3] **All power comes from God** *Romans* 13:1.

I.4[2] **If, says Grotius, an individual can alienate his freedom, and enslave himself to a master, why could not a whole people alienate its freedom and subject itself to a king?** *Right of War and Peace* I, 3, § viii.
I.4[7] **Grotius and the rest derive from war another origin of the alleged right of slavery** Grotius, *Right of War and Peace* III, 7, §§ 1–3; Locke, *Treatises* II, 4, § 24.
I.4[9] **peace of God** or *treuga dei*, suspension of hostilities from Thursday evening until Monday morning as well as on designated religious holidays, introduced in 1033 and promulgated as the law of the land in 1082.
I.4[10]* **Cato wrote to his son** The episode is told by Cicero in *On Duties* I, xi, 36.
I.5[2] **A people, says Grotius** … **examine the act by which a people is a people**. *Right of War and of Peace* I, 3, § viii, in the context of an argument against popular sovereignty.
I.6[7] **The union is as perfect as it can be** The Pléiade *OC* reads *qu'elle ne peut l'être*; all other authoritative editions read *qu'elle peut l'être*.
I.6[10]* **the four orders of men (even five if simple foreigners are included) there are in our city, and only two of which make up the Republic**. Citizens (*citoyens*), born in the city of citizen parents; Bourgeois (*bourgeois*), born in the city, who purchased "titles of bourgeoisie"; Natives (*natifs*), born in the city of resident parents; Residents (*habitants*), foreigners who had purchased residence rights in the city. Only the first two were members of the *Conseil Général* or Sovereign (Launay, *Jean-Jacques Rousseau écrivain politique*, p. 34).
I.9[3] **legal titles** The corresponding passage of the *Geneva ms.* speaks of "a man's rights prior to the state of society": I 5[2], *OC* III, 301.
I.9[6] **the rights the Sovereign and the proprietor have to the same land** Reading *fonds* for *fond* with Dreyfus-Brisac, Vaughan and all other authoritative editors, and as the sense requires. **as will be seen below**: II.4[3]; and consider *War* [51].
II.1[3] **while it is not impossible that a particular will agree with the general will on some point,** Reading a comma instead of a semi-colon with Dreyfus-Brisac, Vaughan and all other authoritative editors, and as the sense requires. **but it cannot say: what this man** … Reading a colon instead of a semi-colon with Dreyfus-Brisac, Vaughan, and all other authoritative editors, and as the sense requires.

II.2[2] **But our politicians [politiques]** – see the Note on the Translations, p. liii above – . . . **as if they were putting together man** See Derathé, *Jean-Jacques Rousseau et la science politique de son temps*, pp. 280–294; and *OC* III, 1455, n. 5.

II.2[5] **If . . . [Barbeyrac and Grotius] had adopted the true principles, all their difficulties would have been solved** Grotius begins his discussion of the relation between people and sovereign with a criticism of popular sovereignty: *Right of War and Peace* I, 3, § viii.

II.3[2] **what is left as the sum of the differences is the general will.** i.e. the sum of the remaining wills is the general will.

II.3[4] **Solon, Numa, Servius** On how Numa and especially Servius did so, see *SC IV* 4, [1]*, [5]–[9] below.

II.3[4]* **In truth, says Machiavelli** *Vera cosa è que alcune divisioni nuocono alle Republiche, e alcune giovano: quelle nuocono che sono dalle sette e da partigiani accompagnate: quelle giovano che senza sette, senza partigiani si mantengono. Non potendo adunque provedere un fundatore d'una Republica que non siano nimicizie in quella, hà da proveder almeno che non vi siano sette.*

II.4[5] **Which proves . . . and hence from the nature of man;** Reading semi-colon with Dreyfus-Brisac, Vaughan, and all other authoritative editors, and as the sense requires.

II.6[2] **a universal justice** Universal – as contrasted with particular – justice consists of our duties of friendship, affection, respect and gratitude toward those to whom we owe them; it pertains to all men, in contrast to the various forms of particular justice which pertain to the citizens of the different political societies. Duties of universal justice are duties "of imperfect obligation": they cannot be enforced by law; duties of particular justice are duties of "strict right," and can be enforced: Pufendorf, *Droit de la nature et des gens* I, 7, §§ vii, viii, xii, xv; cf. III, 4, § i. "Universal justice" so understood corresponds to what on one occasion Rousseau calls "civility" : *Geneva ms.* II 4[13]). Rousseau also refers to this distinction between universal and particular justice or strict right in the *Letter to d'Alembert* (*OC* V, 61; Fuchs ed. p. 89; Bloom tr. p. 66); on "strict right" see also *SD* N XIX. Pufendorf traces this understanding of "universal justice" to Aristotle's view of justice as virtue entire in contrast to the specific virtue of justice: *Nicomachean Ethics*, V, 1, 1129b 26–V, 2, 1130a 17; see, also, Aristotle's mention, in the context of forensic rhetoric, of "universal . . . unwritten" law which is "according to nature," in contrast to the "particular . . . written" laws of any given political society: *Rhetoric* I, 13, 1373b 4–18.

emanating from reason alone In the corresponding passage of the *Geneva ms.* this reads "emanating from reason alone and founded on the simple right of humanity" (II 4[2], *OC* III, 326).
II.6[8] In the earlier *Geneva ms.*, Rousseau had gone on at this point with the important discussion that will be found on pp. 164f. above.
II.7[2] **The same reasoning** . . . **Plato** . . . **in his book on ruling** *Statesman* 261d–e.
II.7[5]* **Calvin['s]** . . . **institution** Many editors read this as a reference to Calvin's *Institutes*.
II.7[9] **persuade without convincing** About this formula, see the Editorial Note to *Letter to Voltaire* [30].
II.7[11]* **says Machiavelli** *E veramente mai non fu alcuno ordinatore di legge straordinarie in un populo, che non ricoresse a Dio, perche altrimenti non sarebbero accettate; perche sono molti beni conosciuti da uno prudente, i quali non hanno in se raggioni evidenti da potergli persuadere ad altrui.*
II.7[12] **Warburton** *Divine Legation of Moses* (1738) II §§ 5f.
II.8[1] **Plato refused** Plutarch, *Life of Lucullus*, 2.
II.8[2] **Peoples, like men** The 1782 edition reads: Most people.
II.8[4] **(main)spring(s)**, *ressort(s)*, is how Rousseau and many of his contemporaries often refer to the artifices by which institutions and individuals are set and kept in motion.
II.8[5] **For Nations as for men** . . . In the 1782 edition, the paragraph begins: "Youth is not childhood. For nations as for man there is a time of youth, or if you prefer of maturity . . ." **The Russians will never be truly politically organized** [*policés*]; about *policé(s)*, see A Note on the Translations, p. lix above.
II.10[3] **the enjoyment of prosperity and peace** The Pléiade *OC* omits *et*, "and."
II.10[6] **There is one country** . . . **Corsica** In part as a result of this remark, Rousseau was invited, two years after the publication of the *Social Contract*, to draw up a constitution for Corsica. He agreed to try to do so, but never completed more than a partial draft. Many of his most distinctive proposals found their way into his *Considerations on the Government of Poland*.
III.1[8] **It is in the Government that are located the intermediate forces whose relations constitute the relation of the whole to the whole, or of the Sovereign to the State**. see II.12[1] above and III.1[17] below. **the ratio between the extremes of a continued proportion of which the mean proportional is the Government. The Government receives from the Sovereign the orders which it gives the people, and for the**

State to be well balanced . . . the product or power of the Government . . . [has to] be equal to the product or power of the citizens who are sovereign on the one hand, and subjects on the other. In the continued proportion A:B=B:C, A and C are the extremes, and $A\times C=B\times B=B^2$ is the mean proportional. In this example, A represents the sovereign or the citizens as sovereign, C represents the citizens as subjects, and B represents the government with its various "intermediate forces" or branches. For the mathematical language throughout this discussion, see Marcel Françon, "Le Langage mathématique de J.-J. Rousseau," *Isis* (1949), 40: 341–344 (reprinted in *Cahiers pour l'analyse* [1970], 8: 85–88) and "Le Langage algébrique de Rousseau," *Annales J.-J. Rousseau* (1953–1955), 33: 243–246; as well as Pierre Speziali's comments in *OC* v, cclviii.

III.1[12] **the ratio considered in terms of quantity is measured by the quotient** i.e. the quotient of B divided by A.

III.1[15] **since one of the extremes, namely the people as subjects, is fixed and represented by unity** – in the above example C=1 – **every time the doubled ratio** the doubled ratio of the proportion A:B=C:D is the product A:B=C:D=AC:BD; hence, in the continued proportion A:B = B:C, the doubled ratio is AB:BC; which, since C=1, gives AB:B = *A* – **increases or decreases, the single ratio** – A:B or the citizens as sovereign over the government – **similarly increases or decreases, and the middle term** – that is to say, the government – **is correspondingly changed**.

III.1[16] **If, in order to reduce this system to ridicule, it were said that, according to me, finding this mean proportional and forming the body of the Government requires no more than taking the square root of the number of the people** – if $A\times C=B^2$ and C=1, then $B=\sqrt{A}$ – **I would reply that I am here using this number only as an example; that the ratios about which I am speaking are measured not only by numbers of men, but more generally by the amount of activity, which is the combined result of a great many causes**.

III.1[17] **The Government[,] . . . active like the Sovereign, passive like the State . . . can be analyzed into further, similar relations, from which a new proportion consequently arises, and within it yet another proportion corresponding to the judiciary . . .** The overarching structure described in terms of the continued proportion A:B = B:C can be broken down or analyzed into various other continued proportions of the form a:b = b:c based

on smaller sub-structures. (I am indebted for this formulation to my colleague Professor Wistar Comfort.) . . . **until an indivisible middle term is reached, that is to say a single chief or supreme magistrate, who might be conceived of in the middle of this progression as the unity between the series of fractions and of the series of integers.** For one reading of this remark, see H. Gildin, *Rousseau's Social Contract: The Design of the Argument* (University of Chicago Press, 1983), pp. 96f.

III.1[19] **Thus the Prince's dominant will is or should be nothing but the general will or the laws**; Following the punctuation in Dreyfus-Brisac, Vaughan, and all other authoritative editors, and as the sense requires, in place of the Pléiade *OC*'s comma.

III.4[2] **It is not good . . . to devote it . . .** Reading *la* with the Pléiade *OC* and most other modern editions, and as the sense requires; however, the authoritative early editions have *les*.

III.4[4] **Indeed . . . as a principle** Reading *principe*, as the sense requires; however, all authoritative early editions have *principes*.

III.4[7] **I prefer . . .** *Malo periculosam libertatem quam quietum servitium.* Stanislas Leszinski, King of Poland, attributed the remark to his father; see also *Poland* I[3] (Derathé, Fabre).

III.5[10] **Aristotle contends . . . that the rich always be preferred.** Aristotle nowhere contends that aristocracy invariably seeks to give preference to the rich, but he does note that it consistently tends to do so: *Politics* V, 7, 1 1306b 24; V, 7, 10 1307a 35.

III.6[5] **what Samuel forcefully represented to the Hebrews** I *Samuel* 8:11–18.

III.6[11] **"Ah, the son replied . . . "** Plutarch, *Sayings of Kings* 175e.

III.6[12] **"The most practical . . . "** *Nam utilissimus idem ac brevissimus bonarum malarumque rerum delectus, cogitare quid aut nolueris sub alio Principe aut volueris*: Tacitus, *Histories* I, 17.

III.6[15]** **Statesman** e.g. 301d–e.

III.8[11] **We are, says** Jean **Chardin** (1643–1714), *Voyages du Chevalier Chardin en Perse* (Amsterdam, 1735), vol. III, pp. 76, 83–84; *Travels in Persia and the East Indies* (1686).

III.9[4]* ***such was their ignorance*** *. . . idque apud imperitos humanitas vocabatur, cum pars, servitutis esset*: Tacitus, *Agricola* XXI. ***where they make a desolation*** *. . . ubi solitudinem faciunt, pacem appelant*: Tacitus, *Agricola* XXX. **the Cardinal Coadjutor** i.e. the Bishop's appointed assistant; the reference is to Paul de Gondi (1613–1679), a leader of the Fronde, who became the Cardinal de Retz. **attended Parliament with a dagger in his pocket** Retz records this episode in

his *Mémoires*, Bk. III (Vaughan). **It seemed, says Machiavelli** . . . in the Preface to his *History of Florence*; paraphrased by Rousseau.

III.10[3]* **Serrar di Consiglio** Closing of the Council. ***squittinio della libertà veneta*** An anonymous writing published in 1611, which sought to establish the Emperors' sovereignty over the republic of Venice (Vaughan).

III.10[8] **Anarchy** absence of rule; **Democracy** rule by the people; **Ochlocracy** mob-rule, a term introduced by Polybius (204–122 BC), *Histories* VI, 4; **Aristocracy** rule by the best; **Oligarchy** rule by the few.

III.10[9]* **For all those are called and considered tyrants** . . . *Omnes enim et habentur et dicuntur Tyranni qui potestate utuntur perpetua, in ea Civitate quae libertate usa est*. **the *Hiero* of Xenophon** throughout which Hiero, tyrant of Syracuse, freely calls himself "tyrant" and does not object when the poet Simonides calls him "tyrant" to his face. Barbeyrac makes the same point Rousseau is here making, and he also does so with a reference to the *Hiero*, in his French edition of Grotius's *Of the Right of War and Peace* I, 1, § viii (2), note 50.

III.15[9] . . . **cannot make themselves be heard in the open** see also especially *EOL* 20[3].

III.18[4] ***cas odieux*** The Government's authority temporarily to suspend rights the exercise of which it perceives as particularly dangerous under the circumstances (Beaulavon).

IV.1[3] **Duc de Beaufort** (1616–1696) a leader of the *Fronde des princes*, the armed struggle by a part of the French nobility to reclaim feudal powers from an increasingly absolute monarchy.

IV.2[3] **Tacitus notes**: *Histories* IV, 17.

IV.3[2] **Voting by lot, says Montesquieu** . . . *Spirit of the Laws* II, 11.

IV.3[6] **poor Barnabites** the impoverished Venetian nobility.

IV.3[9] **The Abbé de St. Pierre proposed** in his *Discours sur la Polysynodie*.

IV.4[19] . . . **Third count**, i.e. the census by head; . . . **the censorship, stronger than this institution**, again, the census by head, **corrected for its vice**, namely, establishing a class of those who had nothing.

IV.4[28] **curule Magistrates** see Editorial note *ad Poland* II[12], p. 321 below.

IV.4[36] **I know that Cicero condemns** . . . in *De legibus* III, 15; mentioned by Montesquieu, *Of the Spirit of the Laws* II, 11.

IV.5[5] **The blood of Agis** King of Sparta, murdered in 241 BC by the Ephors Leonidas and Amphares for trying to restore the austere order of Lycurgus; **was avenged by his successor** Cleomenes, who eliminated the Ephorate: Plutarch, *Agis*, 20; *Cleomenes*, 8–10.
IV.6[10] **However brilliant his [Cicero's] recall . . . a pardon** Catiline, having twice been defeated for the Consulship by Cicero, conspired to raise a private army to murder him as well as some other prominent citizens, and to assume power himself. After the first indications of the conspiracy, the Senate passed the emergency decree by which it transferred all of its power to the Consuls in October 63 BC. Cicero set a trap for the conspirators. They were caught. The Senate voted the death penalty. Cicero had them strangled in the city jail without allowing them due process. Eventually he was, as Rousseau says, "called to account for the blood of Citizens shed in violation of the laws." He was exiled in 58. He was recalled the following year.
IV.7 Although he focuses on the Roman Censorial Tribunal, a number of Rousseau's examples as well as his reference to his fuller discussion of the subject in his *Letter to d'Alembert* (*OC* V, pp. 60–68, tr. 65–75) clearly indicate that he is thinking in much broader terms. At the time of this writing, France had a Censorial Office, headed by de Lamoignon de Malesherbes, with whom Rousseau was on good terms.

In Rome, from 444 BC, two Censors were elected to carry out the census of persons and property that took place at five-year intervals, or lustra. This census determined to which Century one was assigned for military service, and in which centuriate assembly one voted. The Censors could exclude from the rolls anyone judged unworthy because of a criminal record or for any other reason. After 312 BC the Censors could also dismiss any Senator who had broken the law or offended against morality; and nominate replacements for vacant Senate seats. Rousseau here again takes account of Machiavelli, *Discourses* I, 40; see also Montesquieu, *Spirit of the Laws* V, 19, near the end.
IV.7[8] **what a disgrace** Reading *note* for the Pléiade *OC*'s *honte*, as do Dreyfus-Brisac, Vaughan, and all other authoritative editors.
IV.8[1] **Men at first had no other Kings than the Gods, nor any other Government than the Theocratic one.** Cf. ". . . the Religion of the Gentiles was a part of their Policy": Hobbes, *Leviathan*, XII [21]. **They reasoned as had Caligula** "That kings were Gods": see I.2[6] above.

IV.8[4]* ***Nonne ea quae possidet Chamos deus tuus tibi jure debentur*?** The King James translation reads "Wilt not thou possess what Chemosh thy god giveth thee to possess?" By inserting the "Do you not believe" – Rousseau's "**according to you**" – Carrières' translation weakens Jephthah's challenge to King Sihon of the Ammonites. The Bible has Jephthah base all claim to the land on the god's grant to the stronger; Carrières' translation has him base it on a belief. Locke cites the story of Jephthah to make much the same point as Rousseau: the appeal to heaven is the appeal to the sword: *Second Treatise of Government* § 21; cf. § 109. **the text of the Vulgate** *Judges* 11:24.

IV.8[5]* ... **called the holy war** called "holy" [*sacrée*] by the Thebans who fought and in 356 BC prevailed against **the Phocaeans** who had conquered Delphi and plundered its treasury a decade earlier.

IV.8[11] **the sect of Ali** i.e. the Shiites.

IV.8[13] **Of all Christian Authors the philosopher Hobbes**: "Now seeing it is manifest, that the civil power, and the power of the commonwealth is the same thing; and that supremacy, and the power of making cannons, and granting faculties implieth a commonwealth; it followeth, that where one is sovereign, another supreme; where one can make laws, and another make cannons; there must needs be two commonwealths, of one and the same subjects; which is a kingdom divided in itself, and cannot stand."*Leviathan* XXIX [15]; " ... whatever power ecclesiastics take upon themselves, (in any place where they are subject to the state), in their own right, though they call it God's right, is but usurpation." *Leviathan* XLVI [42].

IV.8[15] **divine natural right ... divine civil or positive right** The distinctive feature of Rousseau's contrast is that he applies the expression "divine civil or positive right" to the positive religious prescriptions and prohibitions of all earliest peoples; by contrast, other writers restrict the term to the positive prescriptions and prohibitions of the biblical God: Hobbes, *De cive*, XIV, 4 cf. VIII, 10 as well as *Leviathan* XXVI, 40; see also Locke, *Treatises* I § 126, and II §§ 1 and 52; Grotius had spoken of divine positive right in reference to the New Testament: *Of the Right of War and Peace* (1625): I, 3, § iii, and Bayle regards Grotius's remark that natural right would obtain even if there were no divinity (*Right*, Proleg. § xi, cf. I, 1, § x, 5) as referring to what is meant by the expression divine natural right: *Continuation des pensées diverses* (1704), § 152; in this chapter, Bayle discusses the distinction between divine natural and divine civil right,

and traces its history to the distinction Socrates draws between what is loved by the gods because it is holy, and what is holy because it is loved by the gods: Plato, *Euthyphro* 10a2; divine natural law, understood in the sense in which "philosophers style laws those general rules of nature according to which everything happens," in other words, divine natural right, is the primary subject of Spinoza, *Tractatus theologico-politicus* (1670), ch. 4 and especially ibid., ch. 16, Gebhardt N. xxxiv. He contrasts divine natural right with the so-called "ceremonial law": ibid., ch. 5. See also Leibniz's brief but incisive remarks regarding this distinction between divine natural and divine positive right, or between the moral and the ceremonial laws, in *Theodicy* (1710), II, § 182.

IV.8[16] **There is a third . . . sort of Religion . . . the Religion of the Lamas . . . of the Japanese . . . Roman christianity. One may call it** . . . "it": the original edition reads *celle-ci*, i.e. this "third sort of Religion" whereas the 1782 edition reads *celui-ci*, i.e. "Roman christianity."

IV.8[18] ***sacer estod*** "be accursed": the ancient Roman formula uttered upon delivering someone to public execration and the wrath of the Gods. "It cannot be sufficiently admired, that among the first Romans the sole punishment provided for by the Laws of the Twelve Tables against the greatest criminals was to be held in horror by everyone, *sacer estod*. There is no better way of understanding how virtuous that people was than to realize that among it public opprobrium or esteem was distributed by Law": *Fragments politiques*, IV 12, *OC* III, 495.

IV.8[31] **The right which the social pact gives the Sovereign over the subjects does not, as I have said, exceed the bounds of public utility**. He said so in II.4[3] and II.4[4] above.

IV.8[32]* **Caesar pleading for Catiline** see Sallust, *The Catiline Conspiracy*, chs. 51f.

IV.9 **right of nations** I follow Derathé's ordering of Rousseau's list: *Jean-Jacques Rousseau et la science politique de son temps*, p. 396 and *OC* III, pp. 1507f.